

JOURNALS

OF THE

SENATE AND HOUSE OF COMMONS

OF THE

GENERAL ASSEMBLY

OF

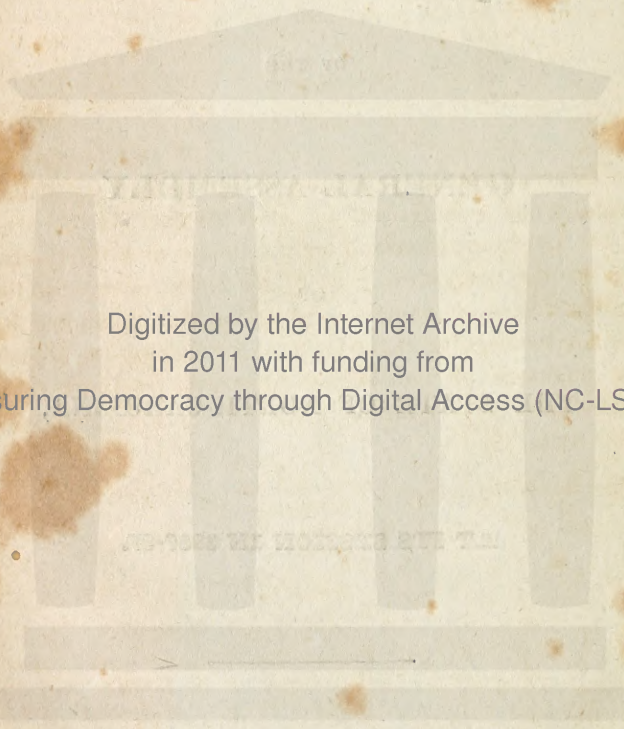
THE STATE OF NORTH-CAROLINA,

AT ITS SESSION IN 1836-37.

RALEIGH :

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1837.



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JOURNAL OF THE SENATE.

AT a General Assembly, begun and held in the City of Raleigh, on the twenty-first day of November, in the year of our Lord, one thousand eight hundred and thirty-six, and in the sixty-first year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly—the following members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, viz :—

From the 1st DISTRICT,—	{	Pasquotank and	}	_____
		Perquimons,	}	
“ 2d do	{	Camden and	}	Daniel Lindsay.
		Currituck	}	
“ 3d do	{	Gates and	}	William W. Cowper.
		Chowan,	}	
“ 4th do	{	Washington	}	H. G. Spruill.
		and Tyrrell,	}	
“ 5th do		Northampton—		William Moody.
“ 6th do		Hertford—		George W. Montgomery.
“ 7th do		Bertie—		Alexander W. Mebane.
“ 8th do		Martin—		Jesse Cooper.
“ 9th do		Halifax—		Andrew Joyner.
“ 10th do		Nash—		_____
“ 11th do		Wake—		Samuel Whitaker.
“ 12th do		Franklin—		John D. Hawkins.
“ 13th do		Johnston—		Josiah Houlder.
“ 14th do		Warren—		Weldon N. Edwards.
“ 15th do		Edgecomb—		Thomas H. Hall.
“ 16th do		Wayne—		John Exum.

From the	17th	District	{ Greene and } William D. Moseley.
"	18th	do	{ Lenoir, } Pitt—Alfred Moye.
"	19th	do	{ Beaufort and } J. O. K. Williams.
"	20th	do	{ Hyde, } Carteret and } James W. Bryan
"	21st	do	{ Jones, } Craven—John M. Bryan.
"	22d	do	Chatham—William Albright.
"	23d	do	Granville—John C. Taylor.
"	24th	do	Person—John Barnett.
"	25th	do	Cumberland—Duncan M'Cormick.
"	26th	do	Sampson—Thomas Bunting.
"	27th	do	New Hanover—Lewis H. Marsteller.
"	28th	do	Duplin—John E. Hussey.
"	29th	do	Onslow—Daniel S. Sanders.
"	30th	do	{ Brunswick, } Bladen, and } James Burney.
"	31st	do	{ Columbus, } Robeson and } Alfred Dockery.
"	32d	do	{ Richmond, } Anson—A. Myers.
"	33d	do	Cabarrus—Christopher Melchor.
"	34th	do	{ Moore and } John B. Kelly.
"	35th	do	{ Montgomery, } Caswell—James Kerr.
"	36th	do	Rockingham—David S. Reid.
"	37th	do	Orange—Hugh Waddell.
"	38th	do	Randolph—Jonathan Reding.
"	39th	do	Guilford—James T. Morehead.
"	40th	do	Stokes—Matthew R. Moore.
"	41st	do	Rowan—Thomas G. Polk.
"	42d	do	Davidson—John L. Hargrave.
"	43d	do	Surry—William P. Dobson.
"	44th	do	{ Wilkes and } Edmund Jones.
"	45th	do	{ Ashe, } Burke and } Thomas Baker.
"	46th	do	{ Yancey. } Lincoln—Michael Reinhardt.
"	47th	do	Iredell—George F. Davidson.
"	48th	do	Rutherford—Joseph McD. Carson.
"	49th	do	{ Buncombe, } Haywood, and } James Gudger.
"	50th	do	{ Macon, } Mecklenburg—Stephen Fox.

A quorum, consisting of a majority of the whole number of members, being present, on motion of Mr. Edwards, William D. Moseley, Esquire, the Senator from the county of Lenoir, was nominated for Speaker; and on motion of Mr. Polk, Hugh Waddell, Esq., the Senator from the

county of Orange, was added to the nomination. The Senate thereupon, proceeded to vote *viva voce*, as follows, viz :—

FOR MR. WADDELL,

MESSRS. Albright,

Barnett,

Burney,

Bryan of Carteret and Jones,

Capson,

Davidson,

Dockery,

Gudger,

Hargrave,

Joyner,

Jones,

Kelly.

MESSRS. Montgomery,

Moody,

Moye,

Myers,

Melchor.

Morehead,

Moore,

Polk,

Reding,

Spruill,

Taylor,

Williams—24.

FOR MR. MOSELEY,

MESSRS. Baker,

Bryan of Craven,

Bunting,

Cowper of Gates,

Cooper of Martin,

Dobson,

Exum,

Edwards,

Fox,

Hall,

Hawkins,

MESSRS. Houlder,

Hussey,

Kerr,

Lindsay,

Marsteller,

Mebane.

McCormick,

Reid,

Reindardt,

Sanders,

Whitaker—22.

Mr. Hugh Waddell, having received a majority of the whole number of votes given, was declared duly elected, when he was conducted to the Chair by Mr. Polk, and made his acknowledgements to the Senate in an appropriate Address.

On motion of Mr. Morehead. Thomas G. Stone was nominated for Principal Clerk. On motion of Mr. Burney, Hardy L. Holmes was added to the nomination; and on motion of Mr. Dobson, Joseph B. Hinton was also added to the nomination.

The Senate thereupon proceeded to vote *viva voce*, as follows, viz:

FOR MR. STONE,

MESSRS. Bryan of Carteret,
Marsteller,
Moody,
Bryan, of Craven,
Morehead,
Sanders,
Montgomery,
Kerr,
Reid,
Cooper of Martin,
Baker,
Reinhardt,

MESSRS. Hawkins,
Exum,
Lindsay,
Kelly,
Fox,
Edwards,
Whitaker,
Gudger,
Mebane,
Houlder,
Reding—23.

FOR MR. HOLMES,

MESSRS. Waddell,
Joyner,
Hargrave,
Moseley,
McCormick,
Dockery,
Moore,
Burney,
Hussey,

MESSRS. Albright,
Barnett,
Bunting,
Myers,
Carson,
Polk,
Jones,
Davidson—17.

FOR MR. HINTON,

MESSRS. Spruill,
Williams,
Moye,
Hall,

MESSRS. Taylor,
Dobson,
Melchor,
Cowper of Gates—8.

Neither of the persons in nomination having received a majority of the whole number of votes given, the Senate proceeded to vote a second time, *viva voce*, as follows, viz:

FOR MR. STONE,

MESSRS. Bryan of Carteret,
Marsteller,
Moody,
Bryan of Craven,
Morehead,
Sanders,
Montgomery,
Kerr,
Taylor,
Reid,

MESSRS. Hawkins,
Exum,
Lindsay,
Kelly,
Reding,
Fox,
Carson,
Edwards,
Whitaker,
Gudger,

MESSRS. Cooper of Martin,
Baker,
Reinhardt,

MESSRS. Mebane,
Houlder—25.

FOR MR. HOLMES,

MESSRS. Waddell,
Joyner,
Hargrave,
Moseley,
McCormick,
Dockery,
Moore,
Burney,

MESSRS. Hussey,
Albright,
Barnett,
Bunting,
Myers,
Polk,
Jones,
Davidson—16.

FOR MR. HINTON,

MESSRS. Spruill,
Williams,
Moye,
Hall,

MESSRS. Dobson,
Melchor,
Cowper of Gates—7.

Thomas G. Stone having received a majority of the whole number of votes given, was declared duly elected.

Whereupon, on motion of Mr. Jones, James R. Dodge was nominated for Clerk Assistant of the Senate. On motion of Mr. Burney, Issac Dockery, and on motion of Mr. Fox, Nathaniel O. Blake, were added to the nomination.

The Senate thereupon proceeded to vote *viva voce*, as follows:

FOR MR. DODGE,

MESSRS. Waddell,
Hargrave,
Joyner,
J. W. Bryan,
Moseley,
Moody,
Davidson,
Morehead,
Edwards,
Jones,
Dobson,
Polk,
Kelly,
Fox,
Melchor,
Kerr,
Reed,

MESSRS. Redding,
Moore,
Baker,
Reinhardt,
Carson,
Gudger,
Lindsay,
Montgomery,
Hawkins,
Hall,
Moye,
Williams,
Albright,
Taylor,
Barnett,
Cowper—33.

FOR MR. DOCKERY,

MESSRS. Spruill,
Marsteller,
Dockery,
McCormick,

MESSRS. Bunting,
Burney,
Myers,
Sanders—8.

FOR MR. BLAKE,

MESSRS. Bryan of Craven,
Cooper, of Martin,
Whitaker,
Houlder,

MESSRS. Exum,
Hussey,
Mebane—7.

Mr. James R. Dodge, having received a majority of the whole number of votes given, was declared duly elected.

Whereupon, on motion of Mr. Reid, Thos. B. Wheeler was appointed Door-keeper without opposition. On motion of Mr. Reid, Green Hill was nominated for Assistant Door-keeper; and on motion of Mr. Hawkins, Nicholas Murphy was added to the nomination.

The Senate proceeded to vote in due form, and upon the votes being counted, it appearing that Green Hill had received all except that of John D. Hawkins, who voted for Nicholas Murphy, thereupon Green Hill was declared duly elected.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of Mr. Hugh Waddell as Speaker; Thomas G. Stone as Principal Clerk; James R. Dodge, Clerk Assistant; Thomas B. Wheeler, Door-keeper; and Green Hill, Assistant.

On motion of Mr. Baker, the Senate adjourned until tomorrow morning, 10 o'clock.

TUESDAY, NOVEMBER 22, 1836.

On motion of James W. Bryan,

Ordered, That a Select Committee of five be appointed, for the purpose of preparing permanent Rules of Order and decorum for the government of the Senate, during the present session.

Whereupon, Messrs. Palk, Moseley, Edwards, Joyner, and J. W. Bryan, were appointed to form said Committee.

On motion of James W. Bryan,

Ordered, That the Rules of Order and decorum, adopted for the government of the Legislature, be the Rules of Order and decorum for the government of the Senate during the present session, until otherwise ordered.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, by the appointment of William H. Haywood, Esq. as Speaker, Charles Manly, Principal Clerk, and Edmund B. Freeman, Clerk Assistant, Isaac Truitt, and Jas. Page, Door-keepers ; and that they are ready to co-operate with the Senate in the despatch of public business.

Received a message from the House of Commons, proposing that a joint select Committee of two, on the part of each House, be raised to wait on his Excellency the Governor, and inform him of the organization of both Houses ; and their willingness to receive any communications he may be pleased to make. Which proposition being agreed to, Messrs. Edwards and Polk were appointed to form the Committee on the part of the Senate ; and the House of Commons was informed thereof by message. Thereupon, a message was received from that House, stating that Messrs. Courts and McRae are appointed to form the Committee on their part.

Received from the House of Commons a message, proposing to raise a joint select Committee of five, on the part of each House, to prepare and report Joint Rules for the government of the two Houses ; which proposition being agreed to, Messrs. Hall, Hawkins, Taylor, Moore, and Carson, were appointed to form the Committee on the part of the Senate, and the House of Commons was informed thereof by message. Thereupon, a message was received from that House, informing the Senate that Messrs. Fisher Hoke, Graham, Hutchison, and D. Jordan, are appointed to form the Committee on their part.

Received from the House of Commons a message, proposing to proceed to the election of three Engrossing Clerks, and that a joint select committee of three on the part of each House, be appointed to enquire and report *immediately* as to the best mode of conducting this election ; which proposition being agreed to, Messrs. Moseley, Jas. W. Bryan and Dockery, were appointed said Committee on the part of the Senate, and the House of Commons was informed thereof by message. Thereupon, a message was received from the House of Commons, informing the Senate, that Messrs. Clayton, Crawford, and Williamson, are the Committee on the part of that House.

A message was received from the House of Commons, accompanied with a Report of the Joint Committee, on the manner of conducting the election of Engrossing Clerks, and stating that that House had concurred in said Report ; the report was read and concurred in by the Senate, and Messrs. Jones, Morehead, and Dobson, were appointed the Committee on the part of the Senate, to compare and report said Election. The message from the House of Commons further stated that John C. Stone, P. R. Lilly, John Saunders, James J. Thomas, William Williamson, Joseph B. Cheshire, and Thomas L. West, are in nomination for the appointment of Engrossing Clerks, and that the House of Commons waited for the nominations in the Senate, if any, before they proceed to vote. No nomination being made in the Senate, and the House of Commons being informed thereof by message, on motion of Mr. Edwards, the Senate proceeded to vote for three Engrossing Clerks—when it appeared that the following votes were given, viz :

FOR JOHN C. STONE,

MESSRS. Barnett,

Bryan of C.

Cowper of G.

Cooper of M.

Dobson,

Hall,

Hussey,

MESSRS. Lindsay,

Morehead,

Moore,

Reid,

Reding,

Spruill,

Williams—14.

FOR JOHN SAUNDERS.

MESSRS. Baker,	MESSRS. Hawkins,
Barnett,	Houlder,
Bunting,	Kerr,
Exum,	Reinhardt,
Fox,	Saunders—10.

FOR P. R. LILLY,

MESSRS. Waddell,	MESSRS. Montgomery,
Albright,	Moye,
Burney,	Myers,
Cowper of G.	Melchor,
Cooper of M.	Morehead,
Davidson,	Moore,
Dockery,	McCormick,
Gudger,	Polk,
Hargrave,	Reding,
Hall,	Sanders,
Kelly,	Spruill,
Lindsay,	Carson—25.
Marsteller,	

FOR JAMES J. THOMAS.

MESSRS. Albright,	MESSRS. Marsteller,
Baker,	Mebane,
Bryan of Craven,	Moody,
Bunting,	Moseley,
Dobson,	Moye,
Exum,	Myers,
Edwards,	Reid,
Fox,	Reinhardt,
Hawkins,	Spruill,
Houlder,	Taylor,
Hussey,	Williams,
Kerr,	Whitaker—24.

FOR WILLIAM WILLIAMSON,

MESSRS. Albright,	MESSRS. Melchor,
Bryan of Carteret,	Morehead,
Davidson,	McCormick,
Dockery,	Polk,
Gudger,	Reding,
Hargrave,	Taylor,
Joyner,	Carson—15.
Jones,	

FOR JOSEPH B. CHESHIRE,

MESSRS. Waddell,
Burney,
Bryan of Carteret,
Edwards,
Hargrave,
Joyner,
Jones,
Kelly,

MESSRS. Mebane,
Montgomery,
Moody,
Moseley,
Melchor,
Polk,
Taylor,
Whitaker—16.

FOR THOMAS L. WEST,

MESSRS. Waddell,
Baker,
Barnett,
Burney,
Bryan, of Craven,
Bryan, of Carteret,
Bunting,
Cowper, of Gates,
Cooper, of Martin,
Davidson,
Dobson,
Dockery,
Exum,
Edwards,
Fox,
Gudger,
Hall,
Hawkins,
Houlder,
Hussey,

MESSRS. Joyner,
Jones,
Kelly,
Kerr,
Lindsay,
Marsteller,
Mebane,
Montgomery,
Moody,
Moseley,
Moye,
Myers,
Moore,
McCormick,
Reid,
Reinhardt,
Sanders,
Williams,
Whitaker,
Carson—40.

The result of the vote in the Senate, for the Engrossing Clerks, having been communicated by message to the House of Commons, whereupon, on motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, NOVEMBER 23, 1836.

Mr. Morehead, from the joint select Committee appointed to compare and report the votes for 3 Engrossing Clerks, reported that Thomas L. West, and Peter R. Lilly, had

each received a majority of the whole number of votes given, and are declared duly elected; and that no other person in nomination had received a majority; in which report the Senate concurred.

On motion of Mr. J. W. Bryan, a message was sent to the House of Commons, proposing to vote immediately for one Engrossing Clerk, yet to be elected. Received from the House of Commons a message, agreeing to vote immediately for one Engrossing Clerk, and informing the Senate that the names of Mr. Sanders, Mr. Cheshire, Mr. Stone, and Mr. Holding, are withdrawn. Whereupon, the Senate proceeded to vote as follows:

FOR MR. THOMAS,

MESSRS. Baker,
Bryan, of Craven,
Bunting,
Cowper, of Gates,
Cooper, of Martin,
Dobson,
Exum,
Edwards,
Fox,
Hall,
Hawkins,

MESSRS. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Myers,
Reid,
Reinhardt,
Sanders,
Whitaker—22

FOR MR. WILLIAMSON,

MESSRS. Waddell,
Albright,
Barnett,
Burney,
J. W. Bryan,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joyner,
Jones,
Kelly,

MESSRS. Montgomery,
Moody,
Moye,
Melchor,
Morehead,
Moore,
McCormick,
Polk,
Reding,
Spruill,
Taylor,
Williams—25.

On motion of Mr. Morehead, a message was sent to the House of Commons, informing it of the result of the vote in the Senate for Engrossing Clerk; and that Messrs. Marsteller, Kelly, and Reid, are the Committee on the part of the Senate, to compare the votes, and report the result.

Received from the House of Commons a message, communicating the result of the vote for one Engrossing Clerk, and informing that Messrs. Smallwood, L. A. Gwyn, and Blount, are the Committee on the part of the House of Commons, to compare the votes and report the result.

Mr. Marsteller, from the joint select Committee appointed to compare and report the votes for one Engrossing Clerk, reported that James J. Thomas, had received a majority of the whole number of votes given, and is declared duly elected; in which report the Senate concurred.

Received from the House of Commons a message, communicating the Annual Message of his Excellency, the Governor, accompanied by a proposition from that House, that the message be printed, one copy for each member of the Legislature; which proposition was concurred in, and the House of Commons informed thereof by message.

Mr. Carson presented the following Resolutions, to wit:

Resolved, That it is expedient for the State of North Carolina to accept such portion of the Surplus Revenue of the Federal Government as may, on division, fall to her share, according to an Act of Congress, passed at the last session, entitled "An Act to regulate the deposits of the Public money."

Resolved, That a joint select Committee of five, on the part of each House, be appointed to draft a bill for the acceptance of our proportion of said Surplus Revenue, and for its safe-keeping, when paid over to the State.

Resolved, That so much of the Governor's Message as relates to this subject, and all accompanying papers, be referred to said Committee.

Which were read, and, on motion of Mr. Edwards, ordered to lie on the table.

Mr. Gudger presented the following Resolution, to wit:

Resolved, That a message be sent to the House of Commons, proposing to appoint a joint select Committee of five on

the part of each House, to take under consideration the subject of the Cherokee Lands ; and that so much of the Governor's message, as relates to this subject, together with all the accompanying papers, be referred to said Committee.

Which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, NOVEMBER 24, 1836.

On motion of Mr. Reid, Mr. Arrington, the Senator elect for the county of Nash, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Polk, from the select Committee appointed to prepare and report Rules of Order for the government of the Senate during the present session, reported the following, to wit :

I. When the Speaker takes the Chair, each member shall take his seat, and on the appearance of a quorum, the Journal of the preceding day shall be read.

II. After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to wit :

First, the receiving Petitions, Memorials, Pension Certificates and papers addressed either to the General Assembly or to the Senate ; 2d, the Reports of Standing Committees ; 3d, the Reports of Select Committees ; 4th, Resolutions ; 5th, Bills ; 6th, Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other papers on the table. Then, the Orders of the day ; but motions and messages to elect Officers, shall always be in order.

III. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and

avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking, or by standing, or passing between him and the Chair.

IV. All Bills and Resolutions of a public nature introduced, shall pass, as a matter of course, the first reading.

V. If any member in speaking, or otherwise, transgress the Rules of the House, the Speaker shall or any member may call to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain; and the House shall, if applied to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed: if otherwise, and the case require it, he shall be liable to the censure of the House.

VI. When a motion is made and seconded, no other motion shall be received, unless it be to amend the main question; to postpone it to a certain day; to postpone it indefinitely; to commit it; to let it lie on the table; or to adjourn.

VII. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form:—"Senators, as many as are of opinion that (as the case may be) say Aye": and after the affirmative voice is expressed—"As many as are of a contrary opinion, say No." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question to rise from their seats; and afterwards, those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member, who was without the bar of the Senate, when any

question was put from the Chair, shall not enter his Yea or Nay without leave, unless he shall have been absent on some Committee.

VIII. When any member shall make a motion, which is not of course, he shall reduce the same to writing, if required.

IX. In all cases of election by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, would make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

X. No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

XI. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof, shall verbally be made by the introducer; and the Petition, Memorial, or other paper, shall not be read, unless so ordered by the House.

XII. Resolutions for the appropriation of public money, and all Resolutions of a public nature, as well as all bills, shall be read the first time for information; and upon this reading, shall not be subject to amendment, but may be amended on the second and third reading. And the Clerk shall keep a calender of all such Resolutions and Bills, with the orders taken on them, for the inspection of the members of the Senate.

XIII. All Bills of a public nature, when ready for the second reading, shall be noted to be read at least one day previous thereto; and then shall first be read for information; and afterwards, paragraph by paragraph, and held open for amendment.

XIV. After a Bill has once been rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

XV. When a question has once been decided, it shall be in order for any member in the majority, to move for a re-

consideration thereof on the same or succeeding day ; if the Bill, Resolution, or paper, upon which the question has been taken, be in possession of the Senate.

XVI. The Speaker shall examine and correct the Journal before it is read ; he shall have the general direction of the Hall ; he shall designate the members who shall compose all Committees, except otherwise ordered ; and the select Committees of this House shall consist of five members.

XVII. There shall be appointed by the Speaker, the following Committees, viz : A Committee of Propositions and Grievances ; a Committee of Privileges and Elections ; a Committee of Claims ; a Committee on the Judiciary ; a Committee on Internal Improvement ; and a Committee on Education and the Literary Fund, consisting of seven members each.

XVIII. When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair, and appoint a Chairman ; and when, upon any other occasion, the Speaker wishes to leave the Chair, he shall appoint a Speaker *pro tem*.

XIX. When any Petition, Memorial, or other paper addressed to the House, shall have been referred either to one of the Standing or Select Committees, they shall, in their report on the Petition, Memorial, or other paper, make a statement, in writing, of the facts embraced in the case so referred.

XX. In case of any disturbance or disorderly conduct in the Gallery or Lobby, the Speaker, or Chairman of the Committee of the whole House, shall have power to have the same cleared.

XXI. No person, except members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State, resident at the seat of Government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

XXII. Any member, dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

XXIII. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

XXIV. On a motion for adjournment, the question shall be decided without debate.

XXV. The Rules for the government of the Senate, shall not be amended or altered, without giving at least one days' notice of such amendment or alteration, except by the consent of two-thirds of the members present.

The Rules of Order and Decorum were read; and, on motion of Mr. Moseley, an amendment was offered to the fourth Rule; and the question being taken thereon, it was decided in the affirmative, and then adopted as amended.

On motion of Mr. Marsteller, a message was sent to the House of Commons, proposing to raise a joint select Committee on Military Affairs, to consist of five members on the part of each House.

Mr. Williams offered the following Resolution, to wit:

Resolved, That the Senate proceed to the appointment of Standing Committees, pursuant to the Rules and Orders of the Senate.

Which was read, and, on motion of Mr. Edwards, ordered to lie on the table.

Mr. Edwards presented the following Resolutions, to wit:

Resolved, By the General Assembly of North Carolina, that the power to tax, is a trust created for the benefit of the people, and limited by the necessities of Government; and to call from the people, in the shape of taxes or duties, more money than is demanded by the wants of the Government, economically administered, is a breach of that trust.

Resolved, That the accumulation in the Treasury of the United States, of a large Surplus Revenue, is unwise, subversive of the principles of free Government, dangerous to public liberty, and ought to be avoided.

Resolved, That the Senators from this State, in the Congress of the United States, be instructed, and the Representatives be

requested, to use their endeavors to effect such a modification of the existing Tariff of duties, as will bring down the Revenue from imports, to the wants of Government, economically administered, having due regard to all the great interests of the country.

Which were read the first time and passed ; and, on motion of Mr. Edwards, ordered to lie upon the table ; and, on motion of Mr. Moseley, ordered to be printed, one copy for each member.

On motion of Mr. Gudger, the Resolution respecting the Cherokee Lands, was taken up, read, and adopted ; and the House of Commons informed thereof by message.

The Speaker announced to the Senate the following standing Committees, to wit :

On Finance—Messrs. Polk, Marsteller, Hawkins, Williams, Mebane, Dockery, and Moody.

On Propositions and Grievances—Messrs. Montgomery, Hussey, Gudger, Moye, Myers, Cooper, of Martin, Bryan, of Craven.

On Internal Improvement—Messrs. Joyner, Jones, Albright, Dobson, Bryan, of Carteret and Jones, Sanders, and Reinhardt.

On the Judiciary—Messrs. Bryan of Carteret and Jones, Carson, Edwards, Kelly, and Hargrave.

On Education and Literary Fund—Messrs. Moseley, Moore, Taylor, Davidson, Kerr, Spruill, and Fox.

On Privileges and Elections—Messrs. Morehead, Burney, Hall, Reid, Barnett, Melchor, and Houlder.

On Claims—Messrs. Kelly, Baker, Reding, McCormick, Whitaker, Lindsay, and Cowper, of Gates and Chowan.

On motion of Mr. Polk, the Resolutions presented yesterday by Mr. Carson, on the subject of the Surplus Revenue, were ordered to be printed, one copy for each member ; and, on motion of Mr. Morehead, were taken up for consideration.

Mr. Edwards moved the following modification thereof ; which was accepted by the mover, and then read and adopted, to wit :

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee of five from each House, whose duty it shall be to enquire into the expediency of accepting that portion of the Surplus Revenue which may be allotted to North Carolina, under an act of Congress, passed at the last session, "entitled an Act to regulate the public deposits;" and of suggesting some plan for the safe keeping of said portion of the Surplus Revenue; and that they report by bill or otherwise.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOVEMBER 25, 1836.

Mr. Moya presented the resignation of John Cherry, a Justice of the Peace for the county of Pltt. Mr. Spruill also presented the resignation of Benjamin Brickhouse, as Lieutenant Colonel of the seventh Regiment, attached to the thirteenth Brigade of North Carolina Militia; which were severally read and accepted, and sent to the House of Commons.

Mr. Spruill presented a petition from a number of the citizens of Tyrrell county, praying that Ebenezer Pettigrew be authorized and empowered to erect a bridge across the Scuppernong river, in Washington county; which was read, and, on motion of Mr. Spruill, referred to the Committee of Propositions and Grievances.

Mr. Joyner presented the resignation of John Pepper, a Justice of the Peace for the county of Halifax; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignations of the following Justices of the Peace and Field Officers, to wit: Woodlief Hooper and Abner Miles, Justices of the Peace of Caswell county; R. L. Stanly, a Justice of the Peace for the county of Duplin; John C. Williams, a Justice of the Peace for the county of Sampson; Samuel Reblin, a Justice of the Peace for the county of Rowan; J. W. Bynum, Colonel Commandant of the forty-fifth Regiment of North Carolina Militia; which were severally read and accepted.

Mr. Edwards presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the Judiciary, be referred to the Judiciary Committee.

Which was read and adopted.

Mr. Joyner presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the subject of Internal Improvement, be referred to the Committee on Internal Improvements.

Which was read and adopted.

Mr. Marsteller presented the following Resolution, viz:

Resolved, That so much of the Governor's Message as relates to the passage of laws regulating the appointment of Militia officers in this State, be referred to the joint select Committee on Military Affairs.

Which was read and adopted.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House be raised, on so much of the Governor's Message as relates to the lands lately acquired by treaty from the Cherokee Indians; which was read, and, on motion of Mr. Polk, ordered to lie upon the table.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House be raised, on so much of the Governor's Message as relates to the passage of laws regulating the appointment of Militia Officers in this State; and that they have leave to report by bill or otherwise; which was read, and, on motion of Mr. Marsteller, ordered to lie upon the table.

Received from the House of Commons a message, with a proposition that a joint select Committee be raised on the subject of the Public buildings, and the re-building of the Capitol; which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, communicating the annual Report of the Public Treasurer, with a proposition that it be printed; which proposition was concurred in, and the House of Commons informed thereof by message.

On motion of Mr. J. W. Bryan,

Ordered, That the Treaty with the Cherokee Indians, and the Act of Congress, passed at the last session, entitled an "Act to regulate the public deposits," together with such communications as the Secretary of the Treasury may have made to the Governor, be printed; one copy for each member.

Received from the House of Commons a message, with a proposition that a joint select Committee of five on the part of each House, be raised on so much of the Governor's Message as relates to the subject of Abolition and incendiary publications; which was read and concurred in.

Received from the House of Commons a message, with a proposition that a joint select Committee of five on the part of each House, be raised, to whom shall be referred so much of the Governor's Message as relates to the proportion of the Public Revenue accruing to North-Carolina, under the late Act of Congress, entitled the Deposit bill, with instructions to report a bill accepting the same, and providing in what manner the same can be most profitably invested, which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

Received from the House of Commons a message, proposing to raise a joint select Committee of two members on the part of each House, whose duty it shall be to provide and designate some signal, by which members may be notified of the hour of meeting of the two branches of the Legislature; which was read and adopted. Whereupon, the Speaker announced that Messrs. Whitaker and Houlder are appointed the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a joint select Committee on Military affairs, and informing the Senate that Messrs. Hawkins, Irion, Loudermilk, Cotten and Eaton, compose the Committee on their part; whereupon, the Speaker announced that Messrs. Marsteller, Spruill, Kerr, Dockery and Williams, form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, with a proposition that a joint select Committee of four on the part of each House, be raised, to whom shall be referred so much of the Governor's Message as relates to the administration of Justice, and particularly in the 6th Judicial District, and that the memorial and papers referred to by the Governor, relative to the 6th Judicial Circuit, be printed—which was read and not concurred in.

On motion of Mr. Moseley,

Ordered, That so much of the Governor's Message as relates to the Literary Fund, be referred to the Committee on Education and the Literary Fund.

Mr. Hall, from the joint select Committee appointed to prepare Joint Rules of Order for the government of the two Houses the present session, reported the Rules of Order of the last, with the following amendment, to-wit:

At the end of the sixteenth Rule, add an additional Rule as follows :

All elections requiring a joint vote shall be *viva voce*, and a select Committee of two members on the part of each House shall be appointed to superintend the same in their respective Houses ; after the vote shall have been taken, said select Committee shall confer together, and report the result of such election to their respective Houses.

Which was read and adopted.

On motion of Mr. Reinhardt, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 26, 1836.

On motion of Mr. Jones, Mr. Polk was added to the Committee on Military affairs, and the House of Commons was informed thereof by message.

Mr. McCormick presented the Pension Certificate of Mrs. Ann Morrison, of Cumberland county ; which was read, and, on motion of Mr. McCormick, ordered to be countersigned by the Speaker, and transmitted to the House of Commons.

The Speaker presented the resignation of the Hon. Willie P. Mangum, Senator in the Congress of the United States ; which was read and accepted, and on motion of Mr. Mosely, transmitted to the House of Commons.

Mr. Moore presented the following Resolution, viz :

Resolved, That so much of the Governor's Message as relates to the validity of issuing Writs of Election, under the Act of last session, be referred to the Judiciary Committee.

Which was read and adopted.

Mr. Marsteller presented the following Resolution, viz :

Resolved, That the Clerks of the Senate collect and place in the Government House, for the use of the Senate, seven numbers of the Revised Code, seven numbers of Taylor's Digest, seven copies of the Journals and Acts of the Legislature, for the last ten years.

Which was read and adopted.

Mr. Fox presented the following Resolution viz :

Resolved, That the two Houses of the Legislature adjourn *sine die*, on Monday, the second day of January, A. D. eighteen hundred and thirty-seven, and that the Clerks of the two Houses make up their estimates accordingly.

Which was read, and, on motion of Mr. Dockery, ordered to lie upon the table.

Mr. Bryan, of Carteret and Jones, presented the following Resolution, viz :

Resolved, That so much of the Governor's Message, as relates to the Report of the Public Treasurer, the subject of Revenue, and the Treasurer's bond, be referred to the Committee on Finance.

Which was read and ordered to lie upon the table.

Received from the House of Commons a message informing the Senate, that Messrs. Gales and Rand form the Committee on the part of that House, on the mode of notifying members of the daily meeting of the two branches of the General Assembly.

Received from the House of Commons the resignation of the following Justices of the Peace and Field Officers, viz : James Perry, a Justice of the Peace for the county of Per-

quimons; Robert H. Gillespie, a Justice of the Peace for the county of Buncombe; James Miller, a Justice of the Peace, for the county of Guilford; Benjamin Patterson, a Justice of the Peace for the county of Surry; N. Bundy, a Justice of the Peace for the county of Guilford; Daniel Kornegay, a Justice of the Peace for the county of Wayne; William D. Somers, a Justice of the Peace for the county of Surry; John M. Logan, Colonel Commandant, Charles W. Peeples, Lieutenant Colonel, and Pinckney C. Peeples, Major, of the 1st Regiment of Guilford Militia; Abram Clapp, Lieutenant Colonel, and Gravenor Marsh, Major, of the Volunteer Regiment of Guilford Militia; Thomas Millsaps, Major of the eighty-ninth Regiment of North-Carolina Militia;—which were severally read and accepted.

On motion of Mr. Mebane, the Senate adjourned until Monday morning, 11 o'clock.

MONDAY, NOVEMBER 28, 1836.

On motion of Mr. Morehead, John M. Skinner, the Senator elect for the counties of Pasquotank and Perquimons, appeared, produced his credentials, was qualified before the House, and took his seat.

Mr. Bryan, of Craven, presented the Pension Certificates of Christopher Bexley, of Craven county; Capt. John Rhem, of Craven county; Thomas Ewell, of Craven county; and Alexander Taylor, of Craven county;—which were severally read, and ordered to be countersigned by the Speaker, and transmitted to the House of Commons.

Mr. Spruill presented the following Resolution, viz:

Resolved, That so much of the amended Constitution as relates to the passage of general laws, regulating Divorce and Alimony, and so much as relates to the passage of general laws, regulating the alteration of the name of any person, or legitimating any person, not born in lawful wedlock, or restoring to the rights of citizenship, any person convicted of an infamous crime—be referred to the Committee on the Judiciary, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Cooper, of Martin, presented the following Resolution, viz:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the present existing *ca. sa.* laws, so that no *ca. sa.* for the future, shall issue, except the plaintiff or plaintiffs; or either of them, or their agent or agents, shall make oath before some Justice of the Peace of the county where such defendant or defendants shall reside, that he or they believe that the defendant or defendants have so concealed or embezzled his or their property, in a fraudulent manner, for the purpose of preventing him or them from the recovery of their just debt; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Polk presented a bill, entitled a bill to alter the mode of appointing certain General and Field Officers of the Militia of the State of North-Carolina; which was read the first time and passed, and, on motion of Mr. Polk, referred to the Committee on Military Affairs.

Mr. Reid presented the following Resolution, viz:

Resolved, That the Committee on Military affairs be instructed to enquire into the expediency of so amending the Militia laws of this State, as to compel the Captains of Companies of Militia, to muster their respective Companies four times a year; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, informing the Senate, that Mr. Maclin is added to the Committee on Military Affairs, on the part of that House.

Received from the House of Commons a message, concurring in the proposition of the Senate, that a joint select Committee of five on the part of each House, be raised, to take under consideration the subject of the Cherokee lands, and informing the Senate that Messrs. J. W. Guinn, Crawford, Hill, Miller, of Burke, and Satterthwaite, form the Committee on the part of that House; whereupon, the Speaker announced that Messrs. Gudger, Reinhardt, Dockery, Carson and Baker, form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Carson presented a Memorial from a number of the citizens of the counties of Rutherford and Lincoln, praying the Legislature to erect a new county out of parts of the counties of Rutherford and Lincoln; which was read, and, on motion of Mr. Carson, was referred to a joint select Committee of three, from each of the counties of Lincoln and Rutherford. Whereupon, the Speaker announced that Messrs. Carson and Reinhardt, compose the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

On motion of Mr. Bryan of Carteret and Jones, the message from the House of Commons, with a proposition that a joint select Committee of five, on the part of each House, be raised, to whom shall be referred so much of the Governor's Message, as relates to the proportion of the Public Revenue, accruing to North Carolina, under the late Act of Congress, entitled "the Deposit Bill," with instructions to report a Bill accepting the same, and providing in what manner the same can be most profitably invested, was taken up for consideration, and adopted. Whereupon, the Speaker announced that Messrs. Bryan, of Carteret and Jones, Moseley, Morehead, Joyner and Hawkins, form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Whitaker, from the joint select Committee, raised on the subject of providing a signal for the convening of the two Houses, made a Report; which was agreed to.

The Speaker announced that Messrs. Joyner, Moore, Moseley, Fox and Skinner, form the Committee on the part of the Senate, on the subject of Abolition and incendiary publications; and the House of Commons was informed thereof by message.

Received from the House of Commons, the resignations of the following Justices of the Peace, and Field Officers, to wit: James Bennett and Edward Winfield, Justices of the Peace for the county of Anson; George D. Boggan, Lieutenant Colonel of the first Regiment of Anson Militia; John M. Vanhoy, Major of the Volunteer Regiment of Stokes county; William Patterson, Major of

the forty-ninth Regiment of North Carolina Militia ; which were severally read and accepted.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning 10 o'clock.

TUESDAY, NOVEMBER 29, 1836.

Mr. Mebane presented the resignation of Thomas Wilkenson, a Justice of the Peace for the county of Bertie ; which was read and accepted, and sent to the House of Commons.

Mr. Cooper, of Martin, presented a Resolution in favor of Simon Smithwick, Sheriff of Martin county ; which was read the first time and passed ; and, on motion of Mr. Cooper, of Martin, was referred to the Committee on Claims.

Mr. Moore presented the resignation of William Hester, a Justice of the Peace for the county of Stokes ; which was read and accepted, and sent to the House of Commons.

Mr. Exum presented the resignation of William Sherrod, a Justice of the Peace for the county of Wayne ; which was read and accepted, and sent to the House of Commons.

Mr. Jones presented the petition of E. Cox and T. Vestal, of the State of Tennessee, praying the Legislature to compensate them for the apprehension of a certain James Meadows, a citizen of this State, who had murdered Daniel Rash, and had fled from justice ; which was read ; and, on motion of Mr. Jones, referred to the Committee of Propositions and Grievances.

Mr. Reinhardt presented a petition from a number of the citizens of the county of Lincoln, relative to the erection of a new county, of parts of Rutherford and Lincoln counties ; which was read, and, on motion of Mr. Reinhardt, was referred to the joint select Committee raised on that subject.

Received from the House of Commons a message, proposing that a joint select Committee of three members, on the part of each House, be raised, on the subject of Public Printing, with instructions to enquire if the law regulating the same does not require amendments; which was read and adopted. Whereupon, the Speaker announced that Messrs. Marsteller, Moore, and McCormick, form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Fox presented the resignation of Robt. B. Huston, Major of the Regiment of Cavalry attached to the eleventh Brigade and fourth Division of the Militia of North Carolina; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons, the resignations of the following Justices of the Peace, and Field Officers, to wit: Isham Steed, a Justice of the Peace for the county of Randolph; William C. Martin, a Justice of the Peace for the county of Surry; Samuel W. Lucas, Major of the twelfth Regiment of the Beaufort county North Carolina Militia; Hardy S. Phelps, Lieutenant Colonel of the eighth Regiment of North Carolina Militia; which were severally read and accepted.

Received from the House of Commons a message, proposing sundry amendments to the Joint Rules, reported for the government of the two Houses; all of which were concurred in, except the following, proposed as a substitute for the seventeenth rule, to wit:

All Elections, requiring a joint vote, shall be *viva voce*; and they shall be conducted as follows, to wit:

Either House may send a message to the other, proposing a day and hour for voting in both Houses; and the time of voting being once agreed to by both Houses, they shall proceed to take the vote at that time; and, thereupon, a select Committee of two members, in each House, shall be appointed to superintend the same in their respective Houses; and after the vote has been taken, the said Committee shall confer together, and report the result of the joint vote to their respective Houses.

The question on agreeing to this proposition, was decided in the negative. The Ayes and Noes being demanded by Mr. Cooper of Martin, were as follows:

Those who voted in the affirmative, are :

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, Reid, Reinhardt, Sanders and Whitaker—23.

Those who voted in the negative, are :

MESSRS. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Montgomery, Moody, Moye, Morehead, Moore, McCormick, Taylor, and Williams—26.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 30, 1836.

Mr. Bryan, of Carteret and Jones, presented a petition in favor of James Hart, of Carteret county, praying the Legislature to grant a duplicate warrant for land; which was read, and, on motion of Mr. Bryan, of Carteret and Jones, was referred to the Committee of Propositions and Grievances.

Mr. Davidson presented a petition of James Thompson, of Iredell county, praying the Legislature for restitution of certain sums of money; which was read, and, on motion of Mr. Davidson, referred to the Committee of Propositions and Grievances.

On motion of Mr. Fox, the Resolution that a message be sent to the House of Commons, proposing that the two Houses of the Legislature adjourn *sine die* on Monday, the second day of January, A. D. one thousand eight hundred and thirty-seven, and that the Clerks of the two Houses make up their estimates accordingly, was taken up for consideration, and adopted.

The Resolution that the Clerks of the Senate collect and place in the Government House, for the use of the Senate, seven numbers of the Revised Code, seven numbers of Taylor's Revisal, and seven copies of the Journals and Acts of the Legislature for the last ten years, was read the second and third times, passed, and adopted.

Mr. Montgomery, from the Committee on Propositions and Grievances, to whom was referred the petition of Eliakin Cox and Tilman Vestal, praying compensation for having arrested one James Meadows, a fugitive from justice, being charged with the murder of one Daniel Rash, made a Report thereon, accompanied by the following Resolution, viz:

Resolved, That the Public Treasurer pay to Eliakin Cox and Tilman Vestal, the sum of two hundred dollars, out of any monies in the Treasury, not otherwise appropriated, for the apprehension of James Meadows.

Whereupon, the Resolution was read the first, second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, informing the Senate that Messrs. D. Jordan, Gales, and I. W. Lane, form the Committee on the part of that House, on the joint select Committee, on the subject of the Public Printing.

On motion of Mr. Bryan of Carteret and Jones, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 1, 1836.

Mr. Kerr presented the petition of George Williamson, Sheriff of Caswell county, praying that insolvent polls be allowed him; which was read, and, on motion of Mr. Kerr, was referred to the Committee on Claims.

Mr. Reid presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee, to consist of three on the part of each House, to take into consideration so much of

the amended Constitution, as requires the General Assembly to prescribe by law the manner in which it shall determine contested elections for Governor ; and that the Committee be requested to report a bill for that purpose.

Which was read and adopted.

Received from the House of Commons a message, proposing that a joint select Committee, consisting of four on the part of each House, be raised, to enquire what alterations and amendments ought to be made in the Revenue laws of the State ; and that to said Committee shall be referred so much of the Governor's Message as relates to the laws for the assessment of lands for taxation ; which was read, and, on motion of Mr. Moseley, was ordered to lie upon the table.

Mr. Barnett presented the following Resolution, viz:

Resolved, That a select Committee be appointed, whose duty it shall be to enquire whether the Banking Capital of the State ought not to be increased ; and if so, whether the better mode of increasing it, be by adding to the capital of Banks already chartered, or by incorporating a new Bank or Banks.

Which was read and adopted.

Mr. Bryan, of Carteret and Jones, moved that a message be sent to the House of Commons, proposing to raise a joint select Committee, consisting of five members on the part of each House, to be selected from the Newbern Judicial District, to enquire into the expediency of altering the time of holding the Superior and County Courts in said Circuit, and to report by bill or otherwise ; which was read and adopted.

Mr. Moore presented the memorial of the Commissioned Officers of the North Regiment of Stokes County Militia, praying the Legislature that said Regiment be divided into two separate and distinct Regiments, consisting of six Companies each ; which was read, and, on motion of Mr. Moore, referred to the Committee on Military Affairs.

Received from the House of Commons a message, proposing to refer to a joint select Committee of six, on the part of each House, the Report of the Commissioners appointed for revising and digesting the public Statute Laws

of the State ; which was concurred in. Whereupon, the Speaker announced that Messrs. Taylor, Morehead, Mebane, Carson, Kelly and Arrington, form the Committee on the part of the Senate ; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing that the two Houses of the Legislature, on to-morrow at 12 o'clock, proceed to vote for a Senator of the United States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, and informing the Senate, that the Hon. Robert Strange is in nomination for the same.

Whereupon, on motion of Mr. Bryan, of Carteret and Jones,

Ordered, That it lie upon the table.

And the question recurring thereupon, it was decided in the affirmative.

Mr. Hargrave demanding them, the Ayes and Noes were as follows:

Those who voted in the affirmative, are:

MESSRS. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Montgomery, Moody, Moye, Morehead, Moore, Myers, Polk, Reding, Skinner, Spruill, Taylor and Williams—25.

Those who voted in the negative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, McCormick, Reid, Reinhardt, Sanders, and Whitaker—24.

Received from the House of Commons a message, proposing that the two Houses proceed, on Monday next, to examine the returns and compare the polls of the late election of Governor ; which was read, and, on motion of Mr. Bryan, of Carteret and Jones, was ordered to lie upon the table.

Mr. Dobson presented a bill, entitled a bill to amend the law relative to receiving bonds of Sheriffs ; which was read the first time and passed, and, on motion of Mr. Moseley, was made the order of the day for to-morrow.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the Resolution

enquire into the expediency of so amending the law relative to the issuing of writs of *capias ad satisfaciendum*, so that no such writ shall in future issue, except the plaintiff or plaintiffs shall make oath before some Justice of the Peace, that he or they believed that the defendant or defendants have so concealed his or their property, for the purpose of preventing a recovery, made an unfavorable Report thereon, and asked to be discharged from the further consideration of the subject; which Report was concurred in, and the Committee were discharged accordingly.

Received from the House of Commons a message, disagreeing to the proposition of the Senate, to refer the memorial of a number of the citizens of Rutherford and Lincoln counties, relative to the erection of a new county, to a joint select Committee of three members from the counties of Lincoln and Rutherford; but proposing to refer it to a joint select Committee of two on the part of the Senate, and four on the part of the House of Commons, from the counties of Lincoln and Rutherford; which was read and concurred in.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Jas. Thompson, of Iredell county, praying the restitution of a certain sum of money, reported the same to the Senate; and begged to be discharged from the further consideration of the subject; which was concurred in; and thereupon, Mr. Davidson moved its further reference to the Committee on Claims.

The Report of the Commissioners appointed for revising and digesting the Public Statute Laws of the State, was read; and, on motion of Mr. Taylor, was ordered to be printed; and the House of Commons informed thereof by message.

On motion of Mr. Edwards, a message was sent to the House of Commons, proposing to raise a joint select Committee of three members from each House, to arrange and prescribe the time and manner for the assembling the two Houses of the Legislature, in order to compare the votes in the late election of Governor, and announce the result.

Whereupon, the Speaker announced that Messrs. Edwards, Hargrave, and Hall, form the Committee on the part of the Senate.

On motion of Mr. Whitaker, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, DECEMBER 2, 1836.

Received from the House of Commons a message, informing the Senate that Messrs. Hill, Rand, Bedford, Hollingsworth, Stallings, Kenan, and Boon, form the Committee of Finance on the part of that House.

Received from the House of Commons a message, informing the Senate that Messrs. D. Jordan, Fisher, Averitt, A. Perkins, and L. A. Gwyn, form the joint select Committee on the Surplus Revenue, on the part of that House; and that Messrs. Williamson, Courts, Walker, McRae, and Judkins, form the joint select Committee on Abolition and Incendiary pamphlets, on the part of that House; and also Messrs. McNeill, Roberts, and Granberry, form the Library Committee on their part.

Mr. Baker presented the resignation of Jonathan Tipton, a Justice of the Peace for the county of Yancy; which was read and accepted, and sent to the House of Commons.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Ebenezer Pettigrew, and other citizens of Tyrrell county, praying that said Pettigrew be empowered to build a bridge across Scuppernong river, in Washington county, made a report thereon; which was read, and, on motion of Mr. Mebane, was ordered to lie upon the table.

Mr. McCormick presented the Pension Certificate of Mrs. Isabella Campbell, of Cumberland county; which was read, and, on motion of Mr. McCormick, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

On motion of Mr. Bryan, of Carteret and Jones, the Resolution, that so much of the Governor's Message as relates to the Report of the Public Treasurer, the subject of Revenue, and the Treasurer's Bond, be referred to the Committee of Finance, heretofore laid upon the table, was taken up for consideration, read and adopted.

Received from the House of Commons, the resignations of the following Justice of the Peace and Field Officer, to wit: James Blanton, a Justice of the Peace for the county of Rutherford; William P. Johnson, Colonel Commandant of the fifty-third Regiment of North Carolina Militia; which were severally read and accepted.

Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to amend an Act, entitled an Act to authorize the Governor to appoint Commissioners to take the acknowledgement and proof of deeds, and instruments under seal, and depositions, passed in one thousand eight hundred and thirty, Chapter thirty-one; which was read the first time and passed; and, on motion of Mr. Moseley, was made the order of the day for to-morrow.

Received from His Excellency, the Governor, a Message, communicating the Report of Mr. William H. Haywood, Jr. as Agent for the State, to procure a loan of four hundred thousand dollars; which was read, and, on motion of Mr. Moseley, the Message and accompanying documents were ordered to be transmitted to the House of Commons.

Mr. Kelly, from the Committee of Claims, to whom was referred the Resolution in favor of Simon Smithwick, of Martin county, reported the same with the following amendments, to wit: By filling up the blank with the sum of "thirty-eight dollars and forty cents;" and by striking out the year "one thousand eight hundred and thirty-six;" which was read the first, second, and third times, and passed as amended, and ordered to be engrossed.

On motion of Mr. Moseley, the message from the House of Commons, proposing that a joint select Committee be raised on the subject of the Public buildings, and the rebuilding of the Capitol, was taken up for consideration;

and, on his motion, was amended, so as to read after the word "Committee," to consist of "five members on the part of each House;" whereupon, it was read as amended, and adopted.

Received from the House of Commons a message, informing the Senate, that they recede from their proposed amendment, to the seventeenth section of the Joint Rules.

On motion of Mr. Marsteller,

Ordered, That the Rules of the Senate, and Joint Rules, Constitution of the State, and of the United States, be printed.

Mr. Reinhardt presented the following Preamble and Resolution, viz :

Whereas, Overseers of roads frequently recover large sums of money from individuals, who are liable to work on the public highways; and who, after collecting the same, fail to apply the same to the improvement of said highways, or pay over the same to their successors in office :

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of amending the Road Laws, so as to make it the duty of Overseers of the highways, to account for all sums that they may collect from delinquent hands, and remaining in their hands unexpended; and that they report by Bill or otherwise.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill to amend the law relative to receiving bonds of Sheriffs. The bill was, thereupon, read the second time. Mr. Dockery moved the following amendment, as an additional section to the bill, to wit :

Be it further enacted, That the said number of Justices in each county be, and they are hereby authorised to pass upon county claims, in the same manner that a majority of Justices of the several counties are now by law authorised to adjudicate.

Which was read, and, on motion of Mr. Dockery, the bill and amendment were referred to the Committee on the Judiciary.

The Speaker announced the following Committees, to wit: Messrs. Polk, Whitaker, Albright, Moody and Hussey, compose the Committee on Public Buildings. Messrs. J. W. Bryan, Moseley, Sanders, J. M. Bryan, and Exum, compose the Committee, on the Newbern Judicial Circuit, on the part of the Senate.

Messrs. Reid, Morehead, and Skinner, compose the Committee on contested Elections of Governor, on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 11 o'clock.

SATURDAY, DECEMBER 3, 1836.

Received from the House of Commons a message, proposing that the two Houses vote this day at twelve o'clock, for a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum; which was read and agreed to. Whereupon, Mr. Bryan, of Carteret and Jones, moved that a message be sent to the House of Commons, informing that House, that the Senate agree to their proposition, to vote this day, at twelve o'clock, for a Senator of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum; also, informing them, that the Hon. Thomas Settle is added to the nomination.

Mr. Kelly presented the petition of Daniel McDonald, praying the Legislature to grant him a warrant for land; which was read, and, on motion of Mr. Kelly, was referred to the Committee on Claims.

Mr. Carson presented the following Resolution, viz:

Resolved, That his Excellency, the Governor, be authorised to draw on the Public Treasurer of this State, for such sums of money, as may be necessary to defray the contingent expenses of the Cherokee Land sales, made in pursuance of the Resolution of the last session of the General Assembly.

Which was read; and, on his motion, referred to the Committee on Claims.

Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to give to lessors of land, a lien upon the crops of their lessees, for the payment of the rent ; which was read the first time and passed.

Received from the House of Commons a message, informing the Senate, that Messrs. Bedford, W. J. Miller, Holland, and Ward, compose their branch of the Committee, to whom the Memorial from the citizens of Lincoln and Rutherford is referred ; and that Messrs. Gilliam, Gales, Rand, Hartley, McClennahan, compose their branch of the Committee on Public Buildings, and the rebuilding of the Capitol,—also, that Messrs. Graham, Gales, Gilliam, J. W. Guinn, Hoskins, and Moore, form their branch of the Committee on the Report of the Commissioners appointed for revising and digesting the Public Statute Laws of the State.

Received from the House of Commons a message, informing the Senate that Messrs. Hutchison and I. Matthews are the superintendants of the election for United States' Senator, on the part of that House.

Whereupon, a message was sent to the House of Commons, informing that House that Messrs. Kelly and Arrington are the superintendants of the election for United States' Senator, on the part of the Senate.

In pursuance of the agreement of the two Houses, the Senate, at 12 o'clock, proceeded to vote for a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum ; when, on calling the roll, the following persons voted for

ROBERT STRANGE :

MESSRS. Arrington,

Baker,

Bryan, of Craven,

Bunting,

Cowper, of Gates,

Cooper, of Martin,

Dobson,

Exum,

Edwards,

MESSRS. Fox,

Hall,

Hawkins,

Houlder,

Hussey,

Kerr,

Lindsay,

Marsteller,

Mebane,

MESSRS. Moseley
McCormick,
Reid,

MESSRS. Reinhardt,
Sanders,
Whitaker—24

And the following, for

THOMAS SETTLE :

MESSRS. Waddell,
Albright,
Burney,
J. W. Bryan,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joynes,
Jones,
Kelly,
Montgomery,

MESSRS. Moody,
Melchor,
Morehead,
Moye,
Moore,
Myers,
Polk,
Reding,
Skinner,
Spruill,
Taylor,
Williams—25.

Mr. Barnett voted for WM. D. MOSELEY.

Mr. Kelly, from the joint select Committee, on the part of the Senate, appointed to superintend the election for Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, reported that Robert Strange had received a majority of the whole number of votes given, and is declared duly elected ; in which report the Senate concurred.

Mr. Kelly presented a bill entitled a bill to lay off and establish a county by the name of Gaston; which was read the first time and passed, and, on motion of Mr. Edwards, was referred to the Committee of Propositions and Grievances.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill to amend an act passed in eighteen hundred and thirty, Chapter thirty-one, entitled an act to authorize the Governor to appoint Commissioners to take the acknowledgement and proof of deeds, and instruments under seal, and depositions; which was read the second and third times, and passed, and ordered to be engrossed.

On motion of Mr. J. W. Bryan, a message was sent to the House of Commons, proposing to vote on Monday next, at 12 o'clock, for Comptroller, and Public Printer, and informing that House, that William F. Collins is in nomination for the appointment of Comptroller.

On motion of Mr. Montgomery, the Report of the Committee of Propositions and Grievances, to whom was referred the petition of Ebenezer Pettigrew and other citizens of Tyrrell county, praying that said Pettigrew be empowered to build a bridge across Scuppernong River, in Washington county, was taken up for consideration, and the Committee discharged from its further consideration.

Mr. Spruill then moved to withdraw the petition and papers; which was agreed to.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of James Hart, of Carteret county, praying for a duplicate of a Military Land Warrant, reported the following Resolution, viz:

Resolved, That the Secretary of State be, and he is hereby authorized and directed to issue to Capt. William Williams or his legal representatives, or the assignees of him or them, a duplicate of his Warrant, number eighteen hundred and sixty, the original not having been appropriated by the laws of this State, or the State of Tennessee.

Whereupon, the Resolution was read the first, second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill, viz: a bill to incorporate the Milton Manufacturing Company;— which was read the first time and passed, and, on motion of Mr. Edwards, was made the Order of the day for Monday next.

Mr. Bryan, of Carteret and Jones, offered the following Resolutions, which were unanimously adopted:

Resolved unanimously, by the Senate of the General Assembly of the State of North-Carolina, that we have heard with deep regret and unfeigned sorrow, of the death of the Hon. Jesse Wilson, a Senator elect of this body from the first Senatorial District of this State; and that, in common with the community at large,

we lament the loss of the talents, the virtues and eminent worth, which by his death we have sustained.

Resolved, That the members of the Senate will wear the usual badge of mourning, as a token of the respect they bear to the deceased.

On motion of Mr. Taylor, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 5, 1836.

Mr. Edwards presented the following Resolution, viz:

Resolved, That the Principal Door-keeper be authorized to procure to be constructed, under the direction of the Speaker, a railing across the entry, between the Senate Chamber and the Lobby; and also to procure for the use of the Senate, ten writing tables, of plain materials.

Which was read and adopted.

Mr. Marsteller presented the following Resolution, viz:

Resolved, That the Committee of Finance be, and they are hereby authorized to count and burn all small Treasury bills, that may be in possession of that Department, and that the Treasurer be allowed credit for the same, in the settlement of his Public Accounts.

Which was read and adopted.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the memorial of the Bar of the 6th Judicial Circuit, and that part of the Governor's Message relative thereto, reported a bill, entitled a bill to amend an act, entitled an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord 1806; which was read the first time and passed, and the Committee was discharged from its further consideration.

On motion of Mr. Davidson,

Ordered, That the bill be printed.

Mr. Polk presented the following Resolution, viz :

Resolved, That the Speakers of the two Houses of the General Assembly notify the Hon. Robert Strange of his election to

the Senate of the United States, to fill the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, and transmit to him certificates thereof, according to the act of one thousand seven hundred and eighty-nine ; and that a message be sent to the House of Commons, requesting their concurrence therein.

Which was read and adopted.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that the Report of the Commissioners on the Revised Statutes, be printed.

Received from the House of Commons a message, stating that they agree to the proposition of the Senate, that a joint select Committee of three on the part of each House, be raised, to take into consideration so much of the amended Constitution, as requires the General Assembly to prescribe by law the manner in which it shall determine contested elections for Governor ; also informing the Senate, that Messrs. Hutcheson, Cotten and Williamson, form the Committee on the part of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that a joint select Committee of three members from each House, be raised, to arrange and prescribe the time and manner for the assembling the two Houses of the Legislature, in order to compare the votes in the late election of Governor, and announce the result ; and informing that Messrs. Fisher, K. Whitley and J. H. Hawkins, compose the Committee on the part of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that a joint select Committee, consisting of five, on the part of each House, to be selected from the Newbern Judicial District, be raised, to enquire into the expediency of altering the time of holding Courts in said Circuit ; and informing that Messrs. Marshall, Hooker, Jarman, Farrow and Satterthwaite, form the Committee on the part of that House.

Mr. Bryan, of Carteret and Jones, presented the following Resolution, viz:

Resolved, That a Committee, consisting of two, be appointed to enquire into the expediency of defining what shall be considered private, and what public bills, as contemplated by the Constitution of the State ; and that they report by bill or otherwise.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill, entitled a bill to incorporate the Milton Manufacturing Company ; which was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they had passed the following engrossed bills, to wit : A Bill allowing public Officers, or their Deputies, to administer oaths in certain cases ; also, a Bill concerning bodies corporate in this State ; which were severally read the first time and passed, and made the order of the day for to-morrow.

The Senate then proceeded to consider the bill, entitled a bill to give to lessors of land a lien upon the crops of their lessees, for the payment of the rent ; which was read the second time.

Mr. Edwards moved the following proviso, as an amendment to the bill, to wit :

Provided, The lessor or lessors shall proceed to collect the same within three months after the rent shall become due.

Thereupon, on motion of Mr. Carson, the bill was made the order of the day for Wednesday next.

Received from the House of Commons a message, stating that they had passed the following engrossed Resolution, to wit : A Resolution directing the Public Treasurer to receive, in payment of Cherokee Lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina ; which was read the first time and passed ; and, on motion of Mr. J. W. Bryan, the following amendments were made to the Resolution, to wit : After the word "Georgia," in the ninth line, insert the words "already received ;" after the word "and," in the same line, insert the words, "not under the denomination of five dol-

lars ;" and strike out, after the word "and," all the second branch of the Resolution ; which were severally agreed to. The Resolution was then read the second and third times, and passed as amended, and ordered to be enrolled.

On motion of Mr. Polk, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 6, 1836.

Mr. Kelly, from the Committee on Claims, to whom was referred a claim presented by George Williamson, late Sheriff of Caswell county, reported the following Resolution, to wit :

Resolved, That the Public Treasurer pay to George Williamson, late Sheriff of Caswell county, one hundred and thirty-nine dollars, for insolvent polls, for the year 1826, and one thousand eight hundred and twenty-seven, 1828, '9, '30, and '31, out of any money remaining in the Treasury ; and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Kelly, from the same Committee, to whom was referred a Resolution authorizing his Excellency, the Governor, to draw on the Public Treasurer of this State, for such sums of money, as might be necessary to defray the contingent expences of the Cherokee Land sales, made in pursuance of a Resolution of the last General Assembly, reported the following Resolution, to wit :

Resolved, That his Excellency, the Governor, be authorized to draw on the Public Treasurer of this State, for such sums of money, as may be necessary to defray the contingent expences of the Cherokee Land sales, made in pursuance of the Resolution of the last session of the General Assembly.

Which was read, and, on motion of Mr. Carson, the following amendment to the Resolution was made, to wit : After the word "State," insert the words, "a sum not ex-

ceeding one hundred and eighty-eight dollars;" which was agreed to. Thereupon, it was read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. Carson presented the following Resolution, viz:

Resolved, That a grant for one hundred and twenty-eight acres of land in Rutherford county, founded on his entry, dated the 10th day of July, eighteen hundred and thirty-three, and surveyed, by warrant No. fourteen hundred and forty-five, date of survey, June the nineteenth, eighteen hundred and thirty-six, issue to Samuel S. Gedney, he paying the purchase money and fees thereon.

Which was read the first, second, and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Averitt, K. Whitley, Blount, and Ward, compose the Committee, on enrolled bills, on the part of that House for the present week. Whereupon, the Speaker announced that Messrs. Moore and Bunting, compose the Committee on enrolled bills, on the part of the Senate, for the present week.

Mr. Edwards, from the joint Committee appointed to ascertain and report a mode of examining the votes for a Governor, reported the following Resolution, to wit:

Resolved, That the two Houses shall assemble in the Hall of the House of Commons, on Thursday the 15th day of December, 1836, at 12 o'clock—that one person be appointed teller on the part of the Senate, and two persons be appointed on the part of the House of Commons, to make a list of the votes for Governor of the State, as they shall be declared. That the result shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled, as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State, which annunciation shall be deemed a sufficient declaration of the person elected, and, together, with a list of the votes, shall be entered on the Journals of the two Houses.

Which was read and adopted, and ordered to be engrossed.

Mr. Morehead presented the following Resolution, viz:

Resolved, That the Treasurer pay to Turner and Hughes, eighty-four dollars, for books and pamphlets, furnished the Senate on their late order.

Which was read the first, second, and third times, and passed, and ordered to be engrossed.

Mr. Bryan, of Carteret and Jones, presented the following Resolution, to wit :

Resolved, That the Judiciary Committee be instructed to prepare and report a bill providing for the biennial election of Comptroller and Public Printer ; and prescribing the manner in which the said elections shall take place.

Which was read and adopted.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill, entitled a bill concerning bodies corporate in this State ; which was read the second time and rejected.

Mr. Bryan, of Carteret and Jones, presented a bill, entitled a bill to authorise Clerks and Masters in Equity, in this State, to make title to real and personal property, sold under the decree of a Court of Equity ; which was read the first time and passed, and made the order of the day for to-morrow.

Received from the House of Commons a message, transmitting the Message of his Excellency, the Governor, and the certificates of Sheriffs of the election of Electors, to vote for President and Vice President of the United States ; which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, stating that they had passed the Resolution directing the Speakers of the two Houses of the General Assembly, to notify the Hon. Robert Strange of his election.

Mr. Fox presented the following Resolution, viz :

Resolved, That the Committee, to whom was referred so much of the Executive Message, as relates to the Surplus Revenue, that may be deposited in the State, be instructed to enquire into the expediency of providing, by law, for the distribution of the same, among the several counties of this State, according to population and taxation ; and to report by bill or otherwise.

Which was read, and, on motion of Mr. Edwards, ordered to lie upon the table.

The Senate then proceeded to consider the bill entitled "a bill allowing Public Officers or their Deputies to administer oaths in certain cases;" which was read the second time, and, on motion of Mr. Cooper, of Martin, the following Proviso was offered to the bill, to-wit:

In the second section and eighth line, after the word 'it,' insert *Provided he is a sworn Officer.*

It then passed, as amended.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to vote for Public Printer, on Wednesday the 7th inst. at 12 o'clock.

Mr. Morehead presented the following Resolutions, viz:

Resolved, That the fifth joint Rule for the government of both Houses, so far as relates to the engrossment of bills, be suspended, as to the Revised Statutes; and that a message be sent to the House of Commons, asking their concurrence therein.

Resolved, That so much of the thirteenth Rule for the government of the Senate, as requires that one day's notice of the reading of any public bill be given, be suspended, so far as regards the Revised Statutes.

Which were read and adopted.

On motion of Mr. Joyner, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 7, 1836.

Mr. Williams presented the resignation of Reding Grist, a Justice of the Peace for the county of Beaufort, which was read and accepted, and sent to the House of Commons.

The Senate then entered upon the Order of the day, and proceeded to consider the bill entitled a bill to authorize Clerks and Masters in Equity, in this State, to make title

to real and personal property, sold under the decree of a Court of Equity; which was read the second time, and passed.

The Speaker announced, that Messrs. James W. Bryan and Moseley form the Committee on enquiring into the expediency of defining the distinction between Public and Private bills.

The Senate proceeded to consider a Resolution in favor of George Williamson, late Sheriff of Caswell; which was read the second time and rejected.

Mr. Carson demanding the Ayes and Noes, were as follows:

Those who voted in the affirmative, are :

MESSRS. Baker, Barnett, Bryan, of Carteret and Jones, Bunting, Burney, Cowper, of Gates and Chowan, Davidson, Dockery, Edwards, Fox, Hargrave, Hawkins, Hussey, Joyner, Kerr, Kelly, Lindsay, Marsteller, McCormick, Polk, Reid, Reding, and Sanders—23.

Those who voted in the negative, are:

MESSRS. Albright, Arrington, Bryan, of Craven, Carson, Cooper, of Martin, Dobson, Exum, Gudger, Hall, Houlder, Jones, Mebane, Melchor, Moody, Moye, Morehead, Moore, Myers, Reinhardt, Skinner, Spruill, Taylor, Williams and Whitaker—24.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the subject of the election of Public Printer, reported the following bill, viz: a bill providing for the election of Public Printer; which was read the first time and passed, and made the Order of the day for to-morrow.

Mr. J. W. Bryan, from the same Committee, to whom was referred the subject of the election of Comptroller, reported a bill, entitled a bill relative to the appointment of Comptroller; which was read the first time, passed, and made the Order of the day for to-morrow.

Received from the House of Commons a message, stating that they had passed the following engrossed bills, to-wit: A bill increasing the liabilities of Sheriffs. Also, a bill, entitled a bill declaring that the shares of stock in incorporated Companies, shall be deemed and taken as personal estate. Also, a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making it the

duty of the Governor to convey to the Justices of Haywood county, certain lands therein named—Chapter 159. And also a bill, entitled a bill to receive the proportion of Surplus Revenue, to which the State of North-Carolina is entitled, under the act of Congress to regulate the Deposites of the Public Money. Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they had adopted the engrossed Resolution relative to the election of Governor, with the following amendment, viz:

Strike out the words "Thursday the 15th inst." in the third line, and insert the words "Saturday the 10th."

Which was read and concurred in.

Received from the House of Commons a message, proposing that the *whole* of the printed bills, reported by the Commissioners in the revision of the Statutes, be *immediately* distributed to the members of the two Houses; which was read and concurred in.

Received from the House of Commons a message, proposing that the Joint Rules be re-printed; which was read and concurred in.

Received from the House of Commons a message, stating that they had passed the engrossed Resolution directing the burning of Treasury notes; which was read the first time, and passed.

On motion of Mr. Kelly, the bill entitled a bill concerning bodies corporate in this State, heretofore rejected, was reconsidered.

The Senate then entered upon the Orders of the day, and proceeded to consider the bill entitled a bill to give to lessors of land a lien upon the crops of their lessess, for the payment of the rent; which was read the second time, and thereupon, Mr. Reid proposed the following amendment thereto, viz:

After the word "crops," in the last line of the first section, insert the words "Provided that the lien shall not extend beyond the first of January, after the year in which the crop is made."

The question recurring thereon, it was decided in the negative.

The bill then passed its second reading.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 8, 1836.

Mr. Hargrave presented the resignations of the following Justices of the Peace, viz: Alfred Hargrave, a Justice of the Peace for the county of Davidson; Peter Owen, a Justice of the Peace for Davidson county, and John M. Smith, a Justice of the Peace for the county of Davidson—which were read and accepted, and sent to the House of Commons.

Mr. Bryan, of Carteret and Jones, presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, instructing the Committee on Finance to enquire into the expediency of increasing the salary of the Public Treasurer.

Which was read and adopted.

Mr. Barnett presented the resignation of William L. Allen, a Justice of the Peace for the county of Person—which was read and accepted, and sent to the House of Commons.

Mr. Edwards moved that a message be sent to the House of Commons, proposing to vote for a Senator in the Congress of the United States, on Thursday next.

On this motion, Mr. Mebane demanded the Yeas and Nays, which were as follows:

Those who voted in the affirmative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Marsteller, Mebane, Moseley, McCormick, Reid, Reinhardt, Sanders, and Whitaker—23.

Those who voted in the negative, are:

MESSRS. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Moody, Moye, Morehead, Moore, Myers, Reding, Skinner, Spruill, Taylor and Williams—22.

Thereupon, the Speaker voted in the negative, and the motion was lost.

The Senate proceeded to consider the bill, entitled a bill providing for the election of Public Printer; which was read the second time. Thereupon, Mr. Moseley moved the following amendment, to wit: After the word "resign," in the second Section, and second line, insert the words, "or remove beyond the limits of the State." The question recurring thereon, the bill was then read the second and third times, and passed, as amended, and ordered to be engrossed.

The Senate then proceeded to consider the engrossed Resolution directing the burning of Treasury Notes; which was read the second and third times and passed, and ordered to be enrolled. Also the engrossed bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act, making it the duty of the Governor to convey to the Justices of Haywood county, certain lands therein named, Chapter 159; which was read the second time, and, on motion of Mr. Gudger, was ordered to lie on the table. Also, the engrossed bill, entitled a bill, declaring that the Shares of Stock in incorporated Companies, shall be deemed and taken as personal Estate; which was read the second time and passed. Also, a bill, entitled a bill concerning bodies corporate in this State; which was read the second time and passed. Also, the engrossed bill, entitled a bill increasing the liabilities of Sheriffs; which was read the second time, and, on motion of Mr. Burney, the following amendment was made thereto, to wit: After the word "diligently," in the first section, strike out the words, "to endeavor:" the question recurring thereon, it was passed the second time as amended. Also, the engrossed bill, entitled a bill allowing public Officers or their Deputies, to administer oaths in certain cases; which was read the third time and passed, and ordered to be enrolled.

The Senate then proceeded to consider the bill, entitled a bill to give to lessors of land, a lien upon the crops of their lessees, for the payment of their rent; which was read the third time and passed, and ordered to be engrossed.

Mr. Sanders presented the following Resolution, viz :

Resolved, That a message be sent to the House of Commons, proposing that a joint select Committee of five, on the part of each House, be raised, to enquire as to the best mode of disposing of the Surplus Revenue, which may fall to North Carolina, under the late Deposit Act of Congress, entitled "the Deposit Bill ;" and report by bill or otherwise.

Which was read, and, on motion of Mr. Sanders, ordered to lie upon the table.

Mr. Jones presented a bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time of paying for entries of land in this State ; which was read the first time and passed, and made the order of the day for to-morrow.

The Senate then proceeded to consider the engrossed bill, entitled a bill to receive the proportion of Surplus Revenue to which the State of North Carolina is entitled, under the act of Congress, to regulate the Deposites of the public money ; which was read the second time. The question recurring thereon, it was decided in the affirmative. Mr. Moye demanding the Ayes and Noes, were as follows :

Those who voted in the affirmative, are :

Messrs. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan of Carteret and Jones, Bunting, Burney, Carson, Cowper, of Gates and Chowan, Cooper of Martin, Davidson, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hargrave, Hawkins, Houlder, Hussey, Joyner, Jones, Kerr, Kelly, Lindsay, Mebane, Melchor, Moody, Moseley, Moye, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Sanders, Skinner, Spruill, Taylor, Williams, and Whitaker—46.

Mr. HALL voting in the negative.

Received from the House of Commons a message, stating that they had passed the following Resolution, to wit :

Resolved, By the General Assembly of the State of North Carolina, that the fifth Joint Rule of the two Houses, be suspended in its application to all bills reported from the Joint Select Committee on the Revised Statutes ; and that all such bills may be sent from one House to the other, under the signature of the Clerk, without engrossment, unless he may deem it necessary.

Which was read and concurred in.

On motion of Mr. Mebane, the Resolution in favor of George Williamson, late Sheriff of Caswell county, was reconsidered. Thereupon, it was read the second time and passed. Mr. Carson demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Baker, Barnett, Bunting, Burney, Cowper of Gates and Chowan Dockery, Edwards, Fox, Hall, Hawkins, Hussey, Joyner, Kerr, Kelly, Lindsay, Marsteller, Moseley, McCormick, Polk, Reid, Reding, Reinhardt, Sanders, Williams and Whitaker—25.

Those who voted in the negative, are :

MESSRS. Albright, Bryan, of Craven, Bryan of Carteret and Jones, Carson, Cooper of Martin, Davidson, Dobson, Exum, Gudger, Hargrave, Houlder, Jones, Mebane, Melchor, Moody, Moye, Morehead, Moore, Myers, Skinner, Spruill, Taylor—22.

The Resolution was then read the third time and passed, and ordered to be engrossed.

Mr. Hargrave presented a petition from certain citizens of Davidson county, praying the Legislature to pass a law to exempt Military Officers from working on roads ; which was read and referred to the Committee on Military Affairs.

Received from the House of Commons a message, stating that they had passed the engrossed bill, entitled a bill to emancipate Henry, Fanny, and John, the slaves and children of Miles Howard ; which was read the first time and passed.

Received from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate, to the engrossed Resolution, directing the Public Treasurer to receive in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina ; which was read, and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

The Senate then proceeded to consider the bill, entitled a bill to authorise Clerks and Masters in Equity, in this State, to make title to real and personal property, sold under the decree of a court of Equity ; which was read the third time and passed, and ordered to be engrossed. Also, the bill, entitled a bill relative to the appointment of Comp-

troller ; which was read the second time ; and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

On motion of Mr. Polk, the Senate adjourned until tomorrow morning, 10 o'clock.

FRIDAY, DECEMBER 9, 1836.

Mr. Joyner presented the following Resolution, to wit :

Resolved, That the Speaker assign to one or more Stenographers a seat on the floor of the Senate Chamber, for the purpose of reporting the debates of this body, the present session.

Which was read and adopted.

Mr. Moore presented a bill, entitled a bill to incorporate the Salem Manufacturing Company ; which was read the first time and passed, and ordered to lie upon the table.

Mr. James W. Bryan presented the following Resolution, to wit :

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee of two, on the part of each House, to enquire what additional salary and compensation shall be allowed the Governor of this State, for the additional time he is compelled to exercise the functions of his Office, by the Ordinance of the late Convention, and for the use of the Government House, by the General Assembly.

Which was read and adopted.

Mr. Albright presented a bill, entitled a bill to lay off and establish a county by the name of Jefferson ; which was read the first time and passed ; and, on motion of Mr. Edwards, was committed to a Committee of the whole House, and made the order of the day for Tuesday next.

Mr. Moore presented the following Resolution, to wit :

Resolved, That a Committee of three be raised, on the part of this House, to be denominated the Committee on Private Bills, to which all bills of that character shall be referred.

Which was read and adopted.

Mr. Morehead presented the following Preamble and Resolution, to wit :

Whereas, By an act of the General Assembly, passed in 1833, entitled an act directing the sale of the lands remaining unsold, acquired by treaty from the Cherokee Indians, no provision is made, prescribing upon what evidence the Public Treasurer shall be authorised to receive the purchase money for lands sold under the authority of the said act, in cases where the whole of the purchase money may have been paid at the time of the sale. Therefore,

Resolved, That the Public Treasurer be authorised to receive the purchase money for any tracts of land, that may have been paid for, in full, at the late sales of the Cherokee Lands, upon the Commissioner, who superintended the same, filing in his Office a certificate list, setting forth the names of the purchasers, with the number of the district and section, together with the number of acres in each tract sold, and the amount for which the same was sold.

Which was read the first, second, and third times, and passed, and ordered to be engrossed.

The bill, entitled a bill to incorporate the Salem Manufacturing Company, was, upon motion of Mr. Moore, referred to the Committee on Private Bills.

Received from the House of Commons a message, stating that they had passed the following engrossed Resolutions, to wit : A Resolution in favor of William D. Alexander ; which was read the first, second, and third times, and passed, and ordered to be enrolled. Also, a Resolution in favor of James C. Turrentine ; which was read the first and second times and passed ; and, on motion of Mr. Cooper, of Martin, was ordered to lie upon the table.

Mr. Bunting presented the following Preamble and Resolutions, viz :

Whereas, By the fourth section of the fourth Article, of the amendments to the Constitution of this State, no person, who shall hold any office, or place of trust or profit, under the United States, or any department thereof, shall be eligible to a seat in either House of the General Assembly. And whereas, Joseph McD. Carson, a Senator in this body, elected in Rutherford county, held the Office

of Post-Master at Green River, in Rutherford county, before and at the time of his election. Whereas, also, Alfred Dockery, a Senator in this body, elected in the thirty-first District, composed of the counties of Robeson and Richmond, held the Office of Post-Master, at Dockery's Store, in Richmond county, before and at the time of his election. And, whereas, also, William Albright, a Senator in this body, elected in the county of Chatham, held the Office of Post-Master at _____ in Chatham county, before and at the time of his election. Therefore,

Resolved, by the Senate, that the said Joseph McD. Carson, Alfred Dockery, and William Albright, severally, are not eligible to seats in the Senate; and that the seats of the said Joseph McD. Carson, Alfred Dockery, and William Albright, therein, be and the same are hereby vacated.

Which was read, and, on motion of Mr. Edwards, the following amendment was made thereto, to wit:

Resolved, That the Committee on Elections, enquire whether Joseph McD. Carson, Alfred Dockery, William Albright, and David S. Reid, are entitled to their seats on this floor, as Senators from their respective Districts, with power to send for persons and papers.

The Resolution was then read as amended, and adopted.

On motion of Mr. James W. Bryan, the Senate proceeded to consider the bill, entitled a bill to receive the proportion of Surplus Revenue to which the State of North Carolina is entitled, under the act of Congress to regulate the Deposites of the public money; which was read the third time and passed, and ordered to be enrolled.

Mr. Edwards moved to strike out the latter clause of the 4th Section—rejected. Mr. Burney demanding the Ayes and Noes thereupon, was as follows:

Those who voted in the affirmative, are:

MESSRS. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan of Carteret and Jones, Bunting, Burney, Carson, Cowper, of Gates and Chowan, Cooper of Martin, Davidson, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hargrave, Hawkins, Houlder, Hussey, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Mebane, Melchor, Montgomery, Moody, Moseley, Moye, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Sanders, Skinner, Spruill, Taylor, Williams, and Whitaker—48.

Mr. HALL voting in the negative.

Mr. Hall presented the following PROTEST, to wit:

I enter my protest against the acceptance of any portion of the Surplus money, provided for under the Act of Congress of the last session; and consequently, against the passage of the Bill now under consideration, for the acceptance of the same. I am opposed to the principle of distribution, as contended for by some, as well as that of making the State of North Carolina a fiscal agent, to participate in the management of any part of the duties of the Treasury Department of the United State. By accepting the money proffered, North Carolina also accepts the conditions upon which it is offered, and thereby enters into a contract, which the parties thus contracting, are, in my opinion, not constitutionally competent to make. The Act, or rather the thirteenth Section, making the profered deposite or distribution, is not provided for in any expressly granted power; nor is it *necessary or proper* to the execution of any granted power. In addition to this, it most palpably violates a settled principle drawn by fair construction from the ninth and tenth amendments to the Federal Constitution, that the powers of the Federal and State Governments should be kept separate and distinct.

This act makes the State a subordinate Executive Agent in the execution of the duties of the Treasury Department. It not only makes the State a subordinate fiscal Agent; but the subordinnte to a subordinate Executive Officer—being subject in this matter, to the direction and supervision of the Secretary of the Treasury. In addition to these objections, I think it not only inexpedient and unnecessary, but in its tendencies, dangerous to the principles upon which our institutions are founded. It places the State under the control of the Federal Government thro' its money concerns; making the Federal Government the collector of Revenue for the State—thus tending to a consolidation of the State and Federal authorities. It, in effect, goes to reinstate and sustain the American system, and thereby, keeps up an onerous system of taxation upon the people wholly unnecessary.

The operation of distributing or disposing the Surplus, should a Surplus be continued, will necessarily have an in-

jurious effect upon the commerce of the country, by taking from the proper channels of trade, a large capital, and removing from the Banks, the means of accommodation to the Mercantile class. Another, and not a trifling objection is, that under the forms of the obligation, the State gives her consent to be *legally bound* to perform the requirements of the Act of Congress, and in my humble judgment, subjects herself, in case of delinquency, to be sued in the Supreme Court of the United States, as a defaulter. Nor is it impossible or altogether improbable, that such delinquency may take place. Suppose the State should become indebted to the amount of even two or three millions, and the money appropriated or spent, as it likely may be, when or how, let me ask, would it be repaid? The only means would be, heavy taxation; which would not likely be resorted to by the Legislature, or permitted by the people. For these reasons, I feel bound to vote against the passage of the Bill.

THOS. H. HALL.

The Speaker announced that Messrs. Moore, Dobson, and Burney, compose the Committee on Private bills.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 10, 1836.

Mr. McCormick presented the Memorial of the Trustees of Donaldson Academy and Manual Labor School;—which was read, and, on motion of Mr. McCormick, was referred to the Committee on Education and the Literary Fund.

Mr. Davidson presented the Pension Certificate of Mary Sloan, of Iredehl county; which was read, and, on motion of Mr. Davidson, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Taylor presented the following Resolution, viz:

Resolved That a message be sent to the House of Commons, proposing that the two Houses hold Evening Sessions after to-day,

commencing at half past two o'clock, and to be continued from day to day—at which no proposition shall be entertained, except bills reported by the Committee on the revision of the Statute Laws of the State.

Which was read, and, on motion of Mr. Moseley, was ordered to lie upon the table.

Mr. Moseley, from the Judiciary Committee, to whom was referred the subject of empowering Courts of Record to change names, reported the following bill, viz: a bill entitled a bill empowering Courts of Record to change names; which was read the first time and passed, and, on motion of Mr. Moseley, the Committee was discharged from the further consideration of the subject.

Mr. Dobson presented the Memorial of the Roanoke Navigation Company; which was read and referred to the Committee on Internal Improvements.

The Senate then proceeded to consider the engrossed bill, entitled a bill concerning bodies corporate in this State; which was read the third time and passed, and ordered to be enrolled.

Also, the bill entitled a bill to amend an act, entitled an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord, one thousand eight hundred and six; which was read the second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, informing the Senate that they are now ready to receive the members of the Senate, in that House, for the purpose of examining the returns of the late election for Governor of the State; also informing the Senate, that Messrs. Cansler and Rayner are appointed on behalf of that House, the joint select Committee to superintend said examination. Whereupon, the Speaker announced that Mr. Polk is appointed Teller, on behalf of the Senate, to superintend said examination.

Thereupon, on motion of Mr. Moseley, the Senate repaired to the House of Commons.

The Senate proceeded to consider the engrossed bill, en-

titled a bill to emancipate Henry, Fanny, and John, the slaves and children of Miles Howard; which was read the second and third times, and passed, and ordered to be enrolled.

Mr. Exum demanded the Yeas and Nays, which were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Carson, Cooper, of Martin, Davidson, Dobson, Dockery, Edwards, Fox, Gudger, Hall, Hargrave, Joyner, Jones, Kerr, Kelly, Marsteller, Mebane, Melchor, Montgomery, Moody, Moseley, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhart, Spruill, Taylor, Williams, and Whitaker—39.

Those who voted in the negative, are:

MESSRS. Exum, Hawkins, Houlder, Lindsay, Moyer, and Skinner—6.

Also, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time of paying for entries of land in this State; which was read the second time, and, on motion of Mr. Moseley, was ordered to lie upon the table.

The Speaker presented a communication from the Hon. Robert Strange, resigning his commission as Judge of the Superior Courts of Law and Equity of this State, and accepting the appointment of Senator in the Congress of the United States, to fill the unexpired term of the Hon. Willie P. Mangum; which was read and accepted, and, on motion of Mr. Moseley, was ordered to be transmitted to the House of Commons.

Mr. Bryan, of Carteret and Jones, from the Committee on the Judiciary, to whom was referred the subject, relative to legitimating persons, reported verbally, that the Committee had taken the subject into consideration, and were of opinion that the existing law on that subject was a sufficient remedy, and thereupon prayed that the Committee be discharged from the further consideration of the subject; whereupon, the Committee was discharged accordingly.

Received from the House of Commons a message, stating that they had passed the Revised bills, No. 5, relative to Public Documents, and No. 1, relative to Book Debts.

The first named bill was read the first, second and third times, and passed, and ordered to be enrolled.

The latter, No. 1, was read the first time and passed.

Mr. Moseley prayed to be excused from serving on the Committee on Education and the Literary Fund, and he was excused accordingly; whereupon, the Speaker announced that Mr. McCormick is added to that Committee.

Received from the House of Commons a message, proposing that a joint select Committee, to consist of twenty-six members, one member from each Congressional District, on the part of each House, (to be appointed by the members from the counties composing the several Districts) be raised, to enquire what will be the most judicious investment or appropriation of that portion of the Surplus Revenue to be received by this State; and that the Committee have leave to report by bill or otherwise.

Which was read and concurred in.

On motion of Mr. Taylor, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 12, 1836.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing to vote, on Wednesday next, for a Judge of the Superior Courts of Law and Equity for this State, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange; also informing that House, that Frederick Nash, of Hillsboro', is in nomination for the appointment.

Mr. Polk, from the Military Committee, to whom was referred the petition of the Commissioned Officers of the county of Davidson, praying to be exempted by an act of the Assembly from working on the public highways, reported against the prayer of the petitioners; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Taylor presented the following Resolution, viz:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of repealing so much of the existing laws of the State, as relates to the compensation of Solicitors in the Superior Courts, and of giving to said Officers, a fixed salary for their services ; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Arrington presented the following Resolution, viz :

Resolved, That the Governor be requested to communicate to this House, all the information he may possess in relation to the best mode of investing at a profit that portion of the Surplus Revenue which may fall to the State ; and that he communicate such offers to borrow it, as may have been made to him officially.

Which was read and adopted.

Mr. Polk, from the Military Committee, to whom was referred the Memorial of a number of citizens of the county of Macon, praying to be erected, into a separate Regiment, West of the Nantahaly, reported unfavorably to the prayer of the petitioners, and asked to be discharged from its further consideration ; in which, the Senate concurred.

Mr. Moseley presented the following Preamble and Resolution, to wit :

Whereas, It is necessary, to the preservation of Constitutional liberty, that the fundamental Charter of our Rights should be kept inviolate.

And whereas, The people in their wisdom have ordained, that a member of the Senate shall have usually resided in the District, for which he is chosen for one year immediately preceding his election, and for the same time shall have possessed, and continue to possess in the District which he represents, not less than three hundred acres of land in fee : And further, that no person, who shall hold any Office or place of trust or profit, under the United States, or any department thereof ; or under this State, or any other Government, shall hold or exercise any other Office or place of trust or profit, under the authority of the State ; or be eligible to a seat in either House of the General Assembly. And whereas, from the frequent violation of the

above recited provision of the Constitution, it may be presumed that a misinterpretation hath been put on the same, or that the attention of the people has not been sufficiently turned to their proper construction ; and, in either case, a declaration on the part of the Senate, of the true meaning of said provision, may be useful in perpetuating unbroken, some of the most essential articles of the Charter. Therefore, be it

Resolved, As the opinion of the Senate, that if any person shall be elected to a seat in the Senate of this State, who has not usually resided in the Senatorial District, for which he may be chosen, twelve months immediately preceding the day of his election, he is not entitled to a seat in the Senate.

Resolved, That no person is qualified for a seat in the Senate, who shall not have possessed, in his Senatorial District, for twelve months immediately preceding the day of his election, three hundred acres of land in fee ; and that each possession and ownership, should be both of the legal and equitable estate in said land ; and that the title thereto, should be absolute ; and any promise or understanding, open or secret, between the parties to receive the title for the mere purpose of qualification, and after such purpose is answered to re-convey it, is a palpable evasion of the Constitution, and a direct fraud upon one of its most salutary provisions:

Resolved further, That if any person elected a Senator, shall, at any time after his election, and during the term of his office, or place of trust, cease to possess, *bona fide*, three hundred acres of land in fee, he is Constitutionally disqualified to hold his seat, during the remainder of his Senatorial term.

Resolved further, That the term eligible, as used in the fourth Article and fourth Section of the amendments of the Constitution, is referible to the day of election ; and that if on that day any candidate for the Senate shall hold any office or place of trust or profit, under the United States, or any department thereof, or under this State, or under any other State or Government, he is constitutionally disqualified to be voted for ; and if he should be elected, such election is null and void.

Resolved further, That if any Senator, who, at the time of his election, may be constitutionally qualified to receive the suffrages of his electors, shall, after his election, and during the

continuance of his term, accept any office or place of trust or profit, under the United States, or any department thereof, or under this State, or any other Government, he doth, by such acceptance, vacate his seat as a Senator in this House.

Resolved further, That the office of Post-Master, is an office or place of trust or profit, within the meaning of the fourth Section of the fourth Article of the amendments of the Constitution; and that the election of any Senator, holding the office of Post-Master, on the day of his election, is null and void.

Which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, proposing that the Speakers of the two Houses of the General Assembly, announce to Gen. Edward B. Dudley, his election, as Governor of this State; which was read and concurred in.

Received from the House of Commons the resignation of Moses Hewitt, a Justice of the Peace for the county of Brunswick; which was read and accepted.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly proceed to vote, on Monday next, at eleven o'clock, A. M. for a Comptroller of public accounts; which was read, and, on motion of Mr. Mebane, ordered to lie upon the table.

Received from the House of Commons a message, stating that they had passed the following engrossed bills and Resolution, to-wit: A Bill, entitled a bill to emancipate Isaac, a slave; a Bill, entitled a bill to lay off and establish a county by the name of Davie; a Bill restricting the term of Cumberland Superior Courts to one week; and also, a Bill to amend an act, entitled an act to establish a department for adjusting and liquidating the Public accounts of this State, and for appointing a Comptroller, and for other purposes; also, a Resolution in favor of John Miller; which were severally read the first time and passed.

Received from the House of Commons a message, stating that they had amended and passed the revised bill, No. 5, concerning wrecks and wrecked property; which was read the first and second times and passed.

Received from the House of Commons a message, proposing that the two Houses vote, on Thursday next, at 12

o'clock, for a Judge of the Superior Courts of Law and Equity, to fill the vacancy occasioned by the resignation of the Hon. Robert Strange, and informing the Senate, that John L. Baily is in nomination for the office : which was read, and, on motion of Mr. Taylor, ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate, the Report of the Adjutant General of the Militia of North Carolina, and stating that they had referred it to the joint select Committee on Military Affairs, and with a proposition that it be printed ; which was read and concurred in.

On motion of Mr. Baker,

Ordered, That the Bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, be taken up ; which was read the second time ; and, on motion of Mr. Carson, was ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate the resignation of the Hon. William Norwood, as one of the Judges of the Superior Courts of Law and Equity in this State ; which was read and accepted.

The Senate then proceeded to consider the bill entitled a bill relative to the appointment of Comptroller ; which was read the second time, and, on motion of Mr. Kelly, the following amendment was made thereto—after the third Section, insert the following, to wit :

Be it further enacted, That the Comptroller shall enter on the performance of his duties, on the 1st day of January, after his election as aforesaid.

The Bill was then read the third time and passed as amended, and ordered to be engrossed.

On motion of Mr. Moseley, the Resolution, that a message be sent to the House of Commons, proposing that the two Houses hold evening sessions after to-day—commencing at half past two o'clock, and to be continued from day to day—at which, no proposition shall be entertained, except bills reported by the Committee on the revision of the

Statute Laws of the State, was taken up for consideration; and, on his motion, the following amendments were made thereto, to wit:

After the word "session," in the second line, strike out the words, "after to-day," and insert, in lieu thereof, the words, "from and after the 14th instant;" and in the third line, strike out the words, "half past two," and insert in lieu thereof, the word "three," and after the word "State," in the last line, add the words, "and that the joint Committee of the two Houses have leave to hold their sessions during the sitting of the two Houses." The question recurring thereon, the several amendments were agreed to. The Resolution was then read as amended, and adopted.

On motion of Mr. Jas. W. Bryan, the bill entitled a bill to amend an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord one thousand eight hundred and six, was reconsidered, and, on his motion, ordered to lie upon the table.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that a joint select Committee of two on the part of each House, be raised, to enquire what additional salary and compensation shall be allowed the Governor of this State, for the additional time he is compelled to exercise the functions of his office, by the Ordinance of the late Convention, and for the use of the Government House by the General Assembly; also informing the Senate, that Messrs. Blount and Graham form their branch of the Committee.

Mr. James W. Bryan presented the following Resolution, to wit:

Resolved, That the Committee of Privileges and Elections be instructed to enquire into the expediency of prescribing in what manner proceedings shall be had against members of the General Assembly, who are suggested by Resolution to be ineligible or disqualified from taking their seats, in consequence of disabilities prescribed by the Constitution of this State; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons a message, transmitting to the Senate the memorial and counter-memorial of the citizens of Hyde county, proposing to refer them to a joint select Committee, to be raised for that purpose—which was read and concurred in. Whereupon,

On motion of Mr. Williams,

Ordered, That said Committee consist of five members on the part of each House.

And the House of Commons was informed thereof by message.

Mr. Morehead presented the following Resolutions, to-wit:

Resolved, That the Committee on Privileges and Elections be empowered to send for persons and papers, and that they, through their Chairman, be authorized to administer an oath.

Resolved further, That whenever any member's seat shall be contested, and it shall be necessary to take depositions, the person or persons desiring such testimony, shall give twenty days' notice, if the witness lives beyond the limits of this State, to such member whose seat is contested, of the time and place of taking such deposition; and if the member or members aforesaid shall desire to take depositions, he or they shall give a like notice, a copy of which shall be served on the Speaker.

Which were read, and, on motion of Mr. Mebane, ordered to lie upon the table.

On motion of Mr. James W. Bryan, the Senate, in accordance with a message received from the House of Commons, proposing to raise a joint select Committee, to consist of twenty-six members, one member from each Congressional District, on the part of each House, on the subject of the Surplus Revenue, appointed the following members to compose said Committee, viz: Messrs. Hawkins, Polk, Joyner, Morehead, Kelly, Davidson, Hussey, Spruill, Skinner, Whitaker, Reinhardt, Carson, and J. W. Bryan; and the House of Commons was informed thereof by message.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 13, 1836.

Mr. Cooper, of Martin, presented the petition of Joseph Lilly, praying the Legislature to legitimate his son, Theophilus Lilly; which was read, and, on his motion, was referred to the Judiciary Committee.

Mr. Marsteller presented the memorial of the Stockholders of the Wilmington and Raleigh Rail Road Company, praying that the State become interested in said Road; which was read, and ordered to be sent to the House of Commons.

Mr. Jas. W. Bryan, from the Judiciary Committee, to whom was referred a bill to amend the law relative to receiving bonds of Sheriffs, reported the same bill, without amendment; in which report the Senate concurred. Thereupon, the Committee asked leave to be discharged from the further consideration of the subject, and it was discharged accordingly.

The bill was then ordered to lie upon the table.

Mr. Kelly, from the Committee on Claims, to whom was referred the petition of James Thompson, of Iredell county, reported the following Resolution, viz:

Resolved, That the Public Treasurer pay James Thompson, of Iredell county, twenty-two dollars and thirty cents, which he paid into the Treasury for two hundred and thirty acres of land, of which he was afterwards divested by an older grant; and that he be allowed the same in the settlement of his Public Accounts.

Which was read the first and second times, and passed.

The question recurring on the third reading, it was decided in the negative—Yeas 13, Nays 36.

Mr. Exum demanded the Yeas and Nays, which were as follows, viz:

Those who voted in the affirmative, are:

Messrs. Baker, Bryan, of Carteret and Jones, Burney, Cowper, of Gates and Chowan, Davidson, Hussey, Joyner, Kerr Kelly, Melchor, McCormick, Polk, Taylor—13.

Those who voted in the negative, are:

MESSRS. Albright, Arrington, Barnett, Bryan, of Craven, Bunting, Carson, Cooper, of Martin, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hall, Hargrave, Hawkins, Houlder, Jones, Lindsay, Marsteller, Mebane, Montgomery, Moody, Moseley, Moye, Morehead, Moore, Myers, Reid, Reding, Reinhart, Sanders, Skinner, Spruill, Williams, and Whitaker—36.

On motion of Mr. Taylor, the Resolutions relative to the qualifications of members of the Senate, introduced on yesterday by Mr. Moseley, were taken up for consideration. Whereupon Mr. Taylor offered the following amendment thereto, viz: Strike out the last Resolve, and insert the following in lieu thereof:

Resolved further, That the offices of Postmaster and Deputy Postmaster, the office of Solicitor, the office of County Attorney, the office of Entry Taker, the office of County Trustee, the office of Register, the office of Sheriff, the office of Coroner, the office of Constable, and the office of Notary Public, are offices or places of trust or profit, under the State, and that they, with all other offices or places held under the United States, or any department thereof, or under this State, or any other State or Government, which confer trust or imply confidence in the holder, and from which salaries, fees or perquisites are derived by the holder, are within the clear meaning of the fourth section of the fourth Article of the amendments of the Constitution, unless expressly excepted from its operation by some other clause of the Constitution.

Pending the question, Mr. Montgomery moved to add the offices of Deputy Sheriff and County Surveyor.

The several amendments were read, and, on motion of Mr. Edwards,

Ordered, That the Resolution and amendments lie on the table, and be printed.

Mr. Hall presented the following Resolution, viz :

Resolved, in the opinion of this Senate, that the true intent and meaning of the word *eligible*, in the fourth section of the fourth Article of the amendments to the Constitution, goes to the disqualification of persons holding any of the offices designated and alluded to in said section, from being elected as members of the Senate, while holding such office.

Which was read, and, on motion of Mr. Carson, was ordered to lie upon the table.

Whereupon, on motion of Mr. Cooper, of Martin,

Ordered, That the said Resolution be taken up, and immediate action had thereon.

Which motion did not prevail.

Mr. McCormick presented a bill, entitled a bill fixing the time for perfecting titles to lands heretofore entered and paid for; which was read the first time and passed.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the engrossed bill, entitled a bill to amend an act, entitled an act to establish a department for adjusting and liquidating the Public Accounts of this State, and for appointing a Comptroller, and for other purposes; which was read the second time, and, on his motion, was amended by striking out the first and second sections.

It then passed its second and third readings, as amended, and was ordered to be enrolled.

On motion of Mr. Hargrave, the message from the House of Commons, proposing to vote for a Judge of the Superior Courts of Law and Equity for this State, on Thursday next, at 12 o'clock, was taken up and adopted, and the House of Commons was informed thereof by message.

On motion of Mr. Hall, the Resolution relative to the Committee on Privileges and Elections, to send for persons and papers, and the taking of depositions in contested elections, introduced on yesterday by Mr. Morehead, was taken up for consideration, and was read. Thereupon, Mr. Hall offered the following as a substitute for the first Resolution, to wit:

Resolved, That to the authority already granted by the Senate to the Committee of Privileges and Elections, to send for persons and papers, be added the power, through its Chairman, to administer oaths.

Which was read and agreed to.

He then moved to strike out the second Resolution.

The question recurring thereon, it was decided in the negative.

Mr. Lindsay demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Lindsay, Marsteller, Mebane, Moseley, Reid, Reinhardt, Sanders, and Whitaker—20.

Those who voted in the negative, are:

MESSRS. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Cowper, of Gates and Chowan, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Kerr, Kelly, Melchor, Montgomery, Moody, Morehead, Moyer, Moore, McCormick, Myers, Polk, Reding, Skinner, Spruill, Taylor and Williams—28.

Mr. Carson prayed to be excused from voting on the question of striking out; and he was excused accordingly.

The Speaker announced the following Committees, viz :

Messrs. Williams, Bryan of Craven, Spruill, Skinner, and Cowper of Gates and Chowan, compose the Committee on the Memorials from Hyde county; and Messrs. Kerr and Barnett, compose our branch of the Committee on the subject of Compensation to the Governor; and the House of Commons was informed thereof by message.

On motion of Mr. Reid,

Ordered, That a message be sent to the House of Commons, proposing to vote, on Monday next, for a Senator in the Congress of the United States. The question recurring thereon, it was decided in the negative.

Mr. Dobson then moved that a message be sent to the House of Commons, proposing to vote, on Tuesday next, for a Senator in the Congress of the United States. Whereupon, Mr. Hargrave moved that said motion lie upon the table; and the question recurring thereon, it was decided in the affirmative—Mr. Exum demanding the Yeas and Noes, were as follows :

Those who voted in the affirmative, are :

MESSRS. Albright, Barnett, Bryan of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Montgomery, Moody, Moyer, Morehead, Moore, Myers, Polk, Reding, Skinner, Spruill, Taylor, and Williams—25.

Those who voted in the negative, are :

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper of Gates and Chowan, Cooper of Martin, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, McCormick, Reid, Reinhardt, Sanders, and Whitaker—24.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 14, 1836.

Mr. Baker presented the petition of certain citizens of the counties of Burke, Wilkes, Lincoln, and Iredell, praying the Legislature to erect a county out of parts of the above named counties ; which was read and referred to the Committee on Propositions and Grievances.

Mr. Montgomery, from the Committee on Propositions and Grievances, to which was referred a bill, entitled a bill to lay off and establish a county by the name of Gaston, reported the same bill to the Senate without amendment. Thereupon, asked leave to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

Whereupon, on motion of Mr. Kelly,

Ordered, That said bill lie upon the table.

Mr. Mebane presented two Memorials from certain citizens of the county of Orange, representing their decided disapprobation of an attempt that is making, to divide the said county ; which was read, and, on motion of Mr. Mebane, referred to the Committee of the whole House, on the subject of the division of the county of Orange.

Received from the House of Commons a message, informing the Senate that Messrs. Rayner, Moore, Smallwood, Hooker, Sloan, Blount D. Jordan, Graham, W. A. Lea, Fisher, Cansler, Patton, and Courts, form their branch of the Committee upon the distribution of the Surplus Revenue allotted to North Carolina.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company ; which was read the first time and passed.

Received from the House of Commons the resignations of the following Justices of the Peace, and Field Officers, to wit : Moses Baker, a Justice of the Peace for the county of Edgecomb ; Wesley F. Willing, a Justice of the Peace for the county of Johnston ; William H. Thompson, a Lieutenant Colonel of the twenty-fourth Regiment of the Militia of the county of Onslow ; which were severally read and accepted.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the joint select Committee on the Memorial, and counter-Memorial from Hyde county, shall consist of five on the part of each House; and stating that Messrs. Farrow, Davenport, Swift, Smallwood, and Pritchard, form their branch of the Committee.

Mr. Carson, from the joint select Committee, to which was referred the Memorial of sundry citizens of Lincoln and Rutherford counties, praying that certain adjoining portions thereof, be erected into a new and separate county, reported a bill, entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford; which was read the first time and passed.

Mr. Moore, from the Committee on Private Bills, to which was referred the bill, entitled a bill to incorporate the Salem Manufacturing Company, reported the same bill without amendment; in which report the Senate concurred. The bill was then read the second time and passed.

Received from the House of Commons a message, stating that they have passed the following Revised Bills, to wit: No. 9, concerning Attorneys at Law; No. 10, concerning Constables; No. 15, concerning the Comptroller.

The two first named bills were read the first, second, and third times and passed, and ordered to be enrolled.

The latter, number fifteen, was read, and, on motion of Mr. J. W. Bryan,

Ordered, That the same lie upon the table.

Received from the House of Commons a message, informing the Senate, that Messrs. Walker, Tuton, Tomlinson, and Boon, form their branch of the Committee on enrolled bills for this week.

On motion of Mr. Baker, the Senate proceeded to consider the bill, entitled a bill fixing the time for perfecting titles to lands heretofore entered and paid for; which was read the second and third times, and passed, and ordered to be engrossed.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill to amend an act for the more uniform and convenient administration of justice within this State, passed in the year of our Lord, one thousand eight hundred and six; which was read the third time. Whereupon, Mr. J. W. Bryan made the following amendments thereto, viz:

After the third section of said bill, insert the following sections:

Be it further enacted, That the sixth Judicial District shall be composed of the counties of Cabarrus, Mecklenburg, Lincoln Iredell, Rowan, Surry, Wilkes and Ashe.

Be it further enacted, That the Superior Courts of Law and Equity, in the counties composing the sixth Judicial District, shall be held on the following times, viz: Cabarrus, on the first Monday in March and September, in each and every year; Mecklenburg, on the second Monday in March and September, in each and every year; Lincoln, on the fourth Monday in March and September, in each and every year; Iredell, on the first Monday after the fourth Monday in March and September, in each and every year; Rowan, on the second Monday after the fourth Monday in March and September, in each and every year; Surry, on the third Monday after the fourth Monday in March and September, in each and every year; Wilkes, on the fourth Monday after the fourth Monday in March and September, in each and every year; Ashe, on the fifth Monday after the fourth Monday in March and September, in each and every year; according to the rules and regulations now prescribed by law.

In the fourth section and seventh line, after the word "Rutherford," strike out the word "and," and insert after the word "Burke," "and Mecklenburg."

In the sixth section and third line, strike out the word "said," and insert the words "the seventh"; and in the seventh section and third line, after the word "said," insert the words "sixth and."

Which several amendments were agreed to.

The bill then passed its third reading, as amended, and was ordered to be engrossed:

On motion of Mr. J. W. Bryan,

Ordered, That Mr. Taylor have leave of absence from the service of the Senate, from and after to-day, until Saturday next.

The Senate then proceeded to consider the bill, entitled a bill declaring that the shares of stock in incorporated companies, shall be deemed and taken as personal estate; which was read the third time and passed, and ordered to be enrolled.

Also, the bill, entitled a bill empowering Courts of Record to change names; which was read the second time. Thereupon, Mr. Moseley made the following amendment, as an additional section, viz:

Be it further enacted, That all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed.

The bill then passed the second and third readings, as amended, and was ordered to be engrossed.

Also, the engrossed Resolution in favor of John Miller; which was read the second time, and, on motion of Mr. McCormick, was ordered to lie upon the table.

Received from the House of Commons a message, proposing that the two Houses, at one o'clock to-morrow, go into an election of Solicitor for the first Judicial Circuit; also informing the Senate, that David Outlaw, of Bertie, and Thomas Bragg, of Northampton, are in nomination for the appointment.

Received from the House of Commons a message, disagreeing to the amendment proposed by the Senate to the engrossed bill to amend an act, entitled an act to establish a department for adjusting the Public Accounts of this State, and for appointing a Comptroller, and other purposes—which was read, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

The Senate then proceeded to consider the bill, entitled a bill restricting the term of Cumberland Superior Court to one week; which was read the second and third times, and passed, and ordered to be enrolled.

Also, No. 1 of the Revised Statutes, relative to Book-Debts; which was read the second and third times, and passed, and ordered to be enrolled.

Also, the engrossed bill, entitled a bill increasing the liability of Sheriffs ; which was read the third time, and passed, and ordered to be enrolled.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the bill allowing Public Officers or their Deputies to administer oaths in certain cases.

Mr. Hall moved that the Resolution relative to the true intent and meaning of the word *eligible*, in the fourth section of the fourth article of the amendments to the Constitution, be taken up.

Which was decided in the negative.

Upon this question Mr. Fox demanded the Yeas and Nays, which were as follows:

Those who voted in the affirmative, are :

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cooper of Martin, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, Reid, Reinhardt, Sanders, and Whitaker—22.

Those who voted in the negative, are:

MESSRS. Albright, Barnett, Bryan of Carteret and Jones, Burney, Carson, Cowper, of Gates and Chowan, Davidson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Melchor, Montgomery, Moody, Moye, Morehead, Moore, McCormick, Myers, Polk, Reding, Skinner, Spruill, Williams—26.

Mr. Polk, from the Military Committee, to whom was referred the Petition of Jonathan Woods, of the county of Haywood, praying to be paid a certain sum of money, made a report thereon, recommending the rejection of the petition, and asked to be discharged from its farther consideration ; in which report the Senate concurred.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider No. 3 of the Revised Statutes, relative to wrecks and wrecked property ; which was read the third time. Thereupon, Mr. Spruill offered the following proviso, as an amendment to the second Section, to wit :

Provided always, That the Court of Pleas and Quarter Sessions for the county of Hyde, shall appoint one or more Commissioners for the District of Hyde, as they may deem proper, under the rules and regulations herein prescribed.

Mr. J. W. Bryan made the following amendments, viz :

In the fifth section and last line, strike out the words *two and a half*, and insert the words, *five per cent on all amount of sales of and under five thousand dollars, and two and a half per cent. on all amounts above that sum.* The bill then passed, as amended, the third reading, and was ordered to be engrossed.

Received from the House of Commons a message, stating that they had passed the Revised Bill No. 6, relating to Elections of members of Congress ; which was read the first time and passed. It was then put upon the second reading—thereupon, Mr. J. W. Bryan proposed the following amendment, to wit :

In the first Section and third line, strike out the words, *by joint ballot of both Houses of the General Assembly elect*, and insert in lieu thereof the words, *elect by joint vote of both Houses of the General Assembly, the vote being viva voce.*

Mr. Edwards moved further to amend the Bill, to wit :

In the sixth Section and second line, strike out the word *forty*, and insert the words *one hundred.* In the sixth line of the eighth Section, after the word *mentioned*, insert *as required.* The several amendments were agreed to. The Bill then passed the second and third reading, as amended, and ordered to be engrossed.

Received from the House of Commons a message, stating that they had passed the following Revised Bills, to wit : No. 21, Abatement of Suits ; No. 20, relating to evidence ; No. 17, concerning the Treasurer of the State ; No. 12, concerning bail in civil cases ; No. 11, providing for the poor ; No. 23, concerning the Secretary of State ; No. 22, to prevent the destruction of Oysters ; No. 24, concerning mad dogs ; which was read, and, on motion of Mr. Mars-teller, ordered that the message and accompanying bills lie upon the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 15, 1836.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to vote on Tuesday next, at 12 o'clock, for a Senator in the Congress of the United States.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the petition of Joseph Lilly, of Martin county, praying the Legislature to legitimate his son, Theophilus Lilly, reported unfavorably to the prayer of the petitioner, and asked leave to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Bryan, of Carteret and Jones, presented the following Resolutions, to wit :

Resolved, That a large portion of the Surplus Revenue, which has accumulated in the Treasury of the United States, has arisen from the sales of the Public Lands, that were ceded to the General Government, for certain purposes specified in the deeds of cession ; and that the object of their cession having been accomplished, the said lands or their proceeds in justice belong to the States.

Resolved, as the opinion of this General Assembly, that any act by which the Congress of the United States shall give the Public Lands to the States in which they are situated, or any act by which the *minimum* price at which those lands are now sold, shall be reduced, would seriously affect the prosperity of all the old States, and do great injustice to those States by which they were originally ceded to the Confederacy.

Resolved further, as the opinion of this General Assembly, that the public debt having been extinguished, and the object for which the cession of the respective portions of the Public Domain by the States which originally held them, having thus been accomplished, that such disposition of the Public Lands or the proceeds thereof, ought to be made among the States of the Union, as shall be proportioned to the respective sacrifices and expenditures incurred by them in support of the United States, or at least, in proportion to their federal population.

Resolved, That the power to tax is a right conferred upon Congress by the Constitution of the United States, and that

the said Congress is the constitutional judge of what amount of revenue ought to be raised ; and to call from the people, in the shape of taxes or duties, more money, knowingly, than is demanded by the wants of government, is an abuse of that right or power.

Resolved, That the Tariff Compromise Act was passed in good faith, and ought to be observed; and any act on the part of Congress, to disturb its provisions or frustrate its operation, would be regarded as unjust, and a violation of good faith.

Resolved, That the Governor be, and he is hereby requested to transmit copies of these Resolutions to the Senators and Representatives from this State, in the Congress of the United States.

Which were read, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table, and, on motion of Mr. Spruill, ordered to be printed.

Mr. McCormick presented a bill, entitled a bill for the better regulation of the town of Fayetteville; which was read the first time and passed, and, on motion of Mr. Mars-teller, referred to the Judiciary Committee.

The Senate proceeded to consider the bill entitled a bill to incorporate the Salem Manufacturing Company; which was read the third time and passed, and ordered to be engrossed.

The Senate proceeded to consider the bill, entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford; which was read the second time, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. Fox presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing an adjournment, *sine die*, of both Houses of the General Assembly, on the third day of January next; and that the Clerks respectively be directed to make their estimates up to that time.

Which was read and adopted.

Mr. Hargrave presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to postpone the election of Solicitor for the first District, until Monday next, eleven o'clock.

Which was read and adopted.

The Senate then proceeded to consider the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company; which was read the second time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvements.

Also, the engrossed bill, entitled a bill to emancipate Isaac, a slave; which was read the second time.

The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Montgomery demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

Messrs. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Bunting, Carson, Cowper, of Gates and Chowan, Cooper, of Martin, Davidson, Dobson, Dockery, Edwards, Fox, Gudger, Hall, Hargrave, Hawkins, Hussey, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Melchor, Moody, Moseley, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Sanders, Spruill, Williams, and Whitaker—41.

Those who voted in the negative, are:

Messrs. Moye, Exum, Houlder, Montgomery, and Skinner—5.

The bill was then read the third time, and passed, and ordered to be enrolled.

Whereupon, Mr. Marsteller asked leave to withdraw from the House the bill of sale for said Isaac; which was granted accordingly.

On motion of Mr. Cooper, of Martin, the engrossed bill, entitled a bill relative to book debts, was re-considered. Thereupon, he proposed the following amendment, to wit:

In the first Section, and second line, strike out the words *emissit, indebitatus assumpsit, quantum meruit, or quantum valebat*, and insert in lieu thereof, the words *upon an express or implied promise*.

Which amendment was agreed to.

Whereupon, on motion of Mr. J. W. Bryan, the bill was referred to the Judiciary Committee.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing to vote, on Monday next, at 12 o'clock,

for a Judge of the Superior Courts of Law and Equity for this State, to supply the vacancy occasioned by the resignation of the Hon. William Norwood.

Received from the House of Commons a message, informing the Senate that Owen Holmes, of New Hanover, is added to the nomination for Judge, to supply the vacancy occasioned by the resignation of the Hon. Robert Strange.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the two Houses of the General Assembly vote for a Judge, on Monday next, at 12 o'clock, to supply the vacancy occasioned by the resignation of the Hon. William Norwood.

Received from the House of Commons a message, stating that Messrs. Granberry and McNeill are appointed, on behalf of that House, Superintendants of the election for a Judge, to be held this day at 12 o'clock; also, informing the Senate, that they are now ready to vote, and will proceed to vote on the return of the messenger.

Whereupon, the Speaker announced that Messrs. Spruill and Fox, are appointed, on behalf of the Senate, Superintendants of said election. The Senate then proceeded to vote as follows:

Those who voted

FOR JOHN L. BAILEY, ARE:

MESSRS. Waddell, (Speaker,)	MESSRS. Lindsay,
Albright,	Melchor,
Barnett,	Montgomery,
J. W. Bryan,	Moody,
Burney,	Moye,
Carson,	Morehead,
Cowper of G. & C.	Moore,
Davidson,	Myers,
Dockery,	Polk,
Gudger,	Reding,
Hargrave,	Skinner,
Joyner,	Spruill,
Jones,	Williams—28

Those who voted

FOR OWEN HOLMES, ARE :

MESSRS. Arrington,

Baker,

Bryan, of Craven,

Bunting,

Cooper, of Martin,

Dobson,

Edwards,

Exum,

Fox,

Hall,

Hawkins,

Houlder,

MESSRS. Hussey,

Kerr,

Kelly,

Marsteller,

Mebane,

Moseley,

McCormick,

Reid,

Reinhardt,

Sanders,

Whitaker, 23

Mr. Spruill, from the Committee appointed on the part of the Senate, to superintend the election of Judge, reported that Owen Holmes, having received a majority of the whole number of votes given in, is duly elected; in which report the Senate concurred.

Mr. Burney moved that the Senate adjourn until 3 o'clock, P. M.

Upon which motion, Mr. Marsteller demanded the Yeas and Nays; which were as follows :

Those who voted in the affirmative, are :

MESSRS. Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Joyner, Kelly, Lindsay, Melchor, Morehead, McCormick, Polk, and Spruill—15.

Those who voted in the negative, are:

MESSRS. Albright, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hargrave, Hawkins, Houlder, Hussey, Jones, Kerr, Marsteller, Montgomery, Moody, Moseley, Moye, Moore, Myers, Reid, Reding, Reinhardt, Sanders, Skinner, and Williams—30.

So the motion did not prevail.

Mr. Hussey then moved that the Senate adjourn until to-morrow morning, 10 o'clock. The question recurring thereon, it was decided in the negative.

Whereupon, Mr. Burney again moved that the Senate do adjourn until 3 o'clock, P. M.

Upon the question, Mr. Marsteller demanded the Yeas and Nays ; which were as follows :

Those who voted in the affirmative, are :

MESSRS. Albright, Barnett, Burney, Davidson, Dockery, Gudger, Hargrave, McCormick, Polk—9.

Those who voted in the negative, are :

MESSRS. Arrington, Baker, Bryan of Craven, Bryan of Carteret and Jones, Bunting, Carson, Cowper of Gates and Chowan, Cooper of Martin, Dobson, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Mebane, Melchor, Montgomery, Moody, Moseley, Moye, Morehead, Moore, Myers, Reid, Reding, Reinhardt, Sanders, Skinner, Spruill and Whitaker—39.

So the Senate refused to adjourn.

Whereupon, on motion of Mr. Burney, the Senate then adjourned until 3 o'clock P. M.

THREE o'clock, P. M.

The Senate proceeded to consider the message received from the House of Commons, transmitting to the Senate the following Revised Statutes, to wit :

No. 23, concerning the Secretary of State ; which was read three times, passed, and ordered to be enrolled.

No. 11, providing for the support of the poor ; which was read three times, passed, and ordered to be enrolled.

No. 12, concerning bail in civil cases ; which was read three times, passed, and ordered to be enrolled.

No. 20, concerning evidence ; which was read the first, second, and third times, passed, and ordered to be enrolled.

On motion of Mr. Moore, No. 11, providing for the support of the poor, was reconsidered. Thereupon, Mr. Moore offered the following amendment, as the twenty-seventh section, to wit :

The several county Courts within this State, a majority of Justices being present, shall have full power and authority to allow the Wardens of the Poor, a sum not exceeding one dollar per day, as a compensation for performing the services herein prescribed.

Which was agreed to. The bill then passed as amended, and ordered to be enrolled.

No. 22, concerning Oysters ; No. 21, relative to abatement ; No. 24, concerning mad dogs ; which were severally read three times, passed, and ordered to be enrolled.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 16, 1836.

Mr. Joyner presented the Memorial from certain citizens of the counties of Halifax and Edgecomb, praying the Legislature to remove obstructions in Fishing creek, for the free passage of fish up said creek ; which was read, and referred to the Committee of Propositions and Grievances.

Mr. James W. Bryan presented the following Resolution, to wit :

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of increasing the fees, allowed by law, to County Surveyors.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of Mary Sloan ; which was read three times and passed, and ordered to be enrolled.

Mr. J. W. Bryan presented a bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity in the Newbern Judicial District ; which was read the first time and passed.

Mr. Moore presented the resignation of Wm. Pearce, a Justice of the Peace of the county of Stokes ; and Mr. Bryan, of Craven, the resignation of Joseph Physioc, as Justice of the Peace for the county of Craven ;—which were severally read and accepted, and sent to the House of Commons.

Received from the House of Commons the resignation of Abraham Lawrence, a Justice of the Peace for the county of Granville; which was read and accepted.

Received from the House of Commons a message, disagreeing to the proposition of the Senate, to postpone the election of Solicitor for the first Circuit; which was read and ordered to lie upon the table.

Received from the House of Commons a message, transmitting to the Senate the Report of the President of the Raleigh and Gaston Rail Road Company; which was read and referred to the Committee on Internal Improvement.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of John H. Hill; which was read three times, passed, and ordered to be enrolled.

Also, the engrossed bill making compensation to the Jurors of Ashe county; which was read the first and second times, and passed. Thereupon, Mr. Gudger made the following amendment, viz:

In the first section and fifth line, after the word "summoned," insert the words "as Jurors."

The bill was then read the third time, amended as passed, and ordered to be enrolled.

Also, the engrossed bill, entitled a bill to incorporate the General Mining and Manufacturing Association; which was read the first and second time and passed. Thereupon, Mr. Kelly moved the following Proviso to the fourth section, viz:

Provided always, that the real estate which shall be received in payment of stock as aforesaid, shall be subject to the same taxation as other lands in this State.

Which was agreed to. The bill was then read the third time, as amended; and the question recurring on the passage thereof, it was decided in the affirmative, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that John S. Guthrie is added to the nomination for Solicitor of the first Judicial Circuit.

Mr. James W. Bryan presented a bill, entitled a bill to incorporate the North-Carolina Central Rail Road Company; which was read the first time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

On motion of Mr. Carson, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, was taken up for consideration; which was read the second time.

Thereupon, Mr. Carson proposed the following amendment, viz:

In the eighth line, after the word "convene," insert the words "at their regular biennial sessions."

Which amendment was agreed to. The bill then passed its second reading as amended. Thereupon, it was read the third time and rejected.

On motion of Mr. J. W. Bryan, the message received from the House of Commons, heretofore laid upon the table, in which they do not concur in the amendment proposed by the Senate to the engrossed bill to amend an act, entitled an act to establish a department for adjusting the Public Accounts of this State, was taken up for consideration.

Thereupon, the Senate receded from their amendment, and the House of Commons was informed thereof by message.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing that an election for Solicitor of the first Judicial Circuit, be held to-morrow, at 12 o'clock; which was read, and, on motion of Mr. Hargrave, was ordered to lie upon the table.

The Senate proceeded to consider the bill of the Revised Statutes, No. 17, concerning the Treasurer of the State;—which was read the first time and passed.

It was then read the second time; thereupon, Mr. Carson moved the following amendment, viz:

In the first section and second line, strike out the word "fifteen," and insert in lieu thereof the words "twenty-one."

Mr. Marsteller further moved to amend it, viz:

Strike out the word "fifteen," wherever it occurs in the bill, and insert the words "twenty-one."

Which several amendments were agreed to.

Thereupon, Mr. Morehead moved the following amendment, viz:

In the first section and fifth line, strike out the words "two hundred and fifty," and insert in lieu thereof the words "one hundred."

The question recurring thereon, it was decided in the negative—Yeas 8, Nays 33.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are :

MESSRS. Cowper, of Gates and Chowan, Dobson, Dockery, Morehead, McCormick, Polk, Sanders, and Skinner—8.

Those who voted in the negative, are:

MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Carson, Cooper, of Martin, Edwards, Exum, Fox, Gudger, Hall, Houlder, Joyner, Jones, Kerr, Kelly, Lindsay, Marsteller, Mebane, Melchor, Montgomery, Moody, Moseley, Moye, Moore, Myers, Reid, Reding, Reinhardt, Williams and Whitaker—33.

Whereupon, the bill was then read the third time and passed, as amended, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following Revised Statutes, viz:

No. 19, relating to Religious Societies ; No. 16, relating to Quarantine.

Which were severally read three times, passed, and ordered to be enrolled.

The Speaker announced that Messrs. Kerr and Moye compose the Committee on enrolled bills, the present week.

On motion of Mr. Marsteller, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 17, 1836.

Mr. Morehead presented the resignations of the following Field Officers, to wit: Allen Peeples, as Colonel Commandant of the Cavalry attached to the eighth Brigade of North Carolina Militia; William Gilbreath, as Lieutenant Colonel of Cavalry, in the eighth Brigade of this State; William Denny, as Major of Cavalry in the eighth Brigade; which were read and accepted, and sent to the House of Commons.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the subject of increasing the fees allowed by law to the County Surveyor, reported that it was inexpedient to legislate on the subject, and asked leave to be discharged from its further consideration; and the Committee was discharged accordingly.

Mr. J. W. Bryan, from the same Committee, to whom was referred the bill, entitled a bill for the better regulation of the town of Fayetteville, reported the same bill without amendment, and recommended that it be passed into a law. Thereupon, the Committee asked leave to be discharged from its further consideration. It was discharged accordingly. The bill was then read the second time, and, on motion of Mr. McCormick, ordered to lie upon the table.

Mr. J. W. Bryan presented a bill, entitled a bill making compensation to the Public Treasurer for his services; which was read the first and second times and passed, and ordered to be referred to the Committee on Finance.

The Senate proceeded to consider the bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity, in the Newbern Judicial District; which was read the second time. Thereupon, Mr. Williams moved that said bill be rejected; which was decided in the negative. The bill then passed.

On motion of Mr. Gudger, the bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making it the duty of the Governor to convey to the Justices of Haywood county, certain lands therein nam-

ed, Chapter 159, was taken up for consideration, and, on his motion, referred to the Committee on Finance.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, that the two Houses of the General Assembly, adjourn *sine die*, on the third day of January next.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to vote, at 12 o'clock, on Tuesday next, for a Senator in the Congress of the United States, from the third of March, 1837.

Mr. Marsteller moved to re-consider the bill of the Revised Statute, No. 17, concerning the Treasurer of the State. Upon this motion, Mr. Cooper, of Martin, demanded the Yeas and Nays; which were decided in the affirmative, as follows :

Those who voted in the affirmative, are :

MESSRS. Albright, Barnett, Bryan of Carteret and Jones, Burney, Cowper of Gates and Chowan, Davidson, Dobson, Dockery, Joyner, Kelly, Lindsay, Marsteller, Montgomery, Moody, Moyer, Morehead, Moore, McCormick, Polk, Reding, Skinner, Spruill, and Williams—23.

Those who voted in the negative, are :

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Edwards, Exum, Fox, Gudger, Hall, Houlder, Hussey, Jones, Kerr, Mebane, Melchor, Myers, Reid, Reinhardt, Sanders, and Whitaker—21.

Whereupon, on motion of Mr. Morehead,

Ordered, That said bill lie upon the table.

Received from the House of Commons a message, stating that they have passed the Revised Bill, No. 38, concerning Pilots and Commissioners of Navigation; which was read the first and second times and passed. Thereupon, Mr. Spruill moved the following amendment, to wit :

Strike out the *thirty-first Section*; which was agreed to.

The bill was then read the third time, and passed, as amended, and ordered to be enrolled.

Mr. Fox presented the following Resolution, to wit :

Resolved, That a message be sent to the House of Commons, proposing an adjournment of both Houses of the General Assembly, *sine die*, on the fifth day of January next; and that the Clerks be directed to make up their estimates to that time.

Which was read and adopted.

Mr. Moseley presented the Memorial of a number of Citizens, praying the Legislature, that the State of North Carolina, take two fifths of the Stock in the Cape Fear and Yadkin Rail Road Company; which was read, and, on his motion, referred to the Committee on Internal Improvement.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the engrossed bill, entitled a bill to incorporate the Norfolk and Edenton Rail Road Company, reported the same bill, and recommended the adoption of the following amendments, to wit:

At the end of the eighth section, add "*Provided always*, that either party dissatisfied with the sentence, order or decree of the County Court, may appeal to the Superior Court of said county."

In the fourth line of the tenth Section, counting from the end of the Section, strike out *twelve and one-half*, and insert *twenty five*.

In the fifth line of the fourteenth Section, strike out the word *eight*, and insert *six*.

In the thirty-third of the same Section, after the word *same*, add—"It shall be the duty of the said Company, to transport all produce and other commodities, which may be delivered at any place of deposit, established by said Company, according to the order of time, in which the same may be received, so as to do equal justice to all, and to give preference to no one."

In the fourth line of the twenty-ninth Section, strike out the word *nine*.

Which several amendments were read and agreed to.

The bill was then read as amended, and passed, and ordered to be enrolled.

On motion of Mr. Reinhardt, the bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, rejected on yesterday, was reconsidered; and, on motion of Mr. Jones, referred to the Judiciary Committee.

On motion of Mr. Fox, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 19, 1836.

Mr. McCormick presented the Memorial of the Magistrate of Police, and of the Commissioners of the town of Fayetteville, asking that they may be authorised and empowered to have the lots within the limits of the town, with their improvements, annually assessed ; which was read and referred to the Committee on Private Bills.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution instructing said Committee to enquire into the expediency of amending the Road Laws, reported a bill, entitled a bill regulating the duties of Overseers of Public Roads ; which was read the first time and passed, and the Committee discharged from its further consideration.

Mr. Gudger, from the joint select Committee, to whom was referred so much of the Governor's Message, as relates to the lands acquired by the late treaty with the Cherokee Indians, reported a bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by treaty from the Cherokee Indians ; which was read the first time and passed.

Mr. Polk, from the Committee on Finance, to whom was referred so much of the Governor's Message as relates to the Treasury Department, reported, that they find from a minute and thorough examination of the books and accounts of the Office, that the various requisitions of the Act of 1827, entitled an act concerning the Public Treasury, have been fully complied with ; and further report, that they have counted and burnt Treasury Notes, unfit for circulation, the sum of one thousand three hundred and sixty-eight dollars and eleven cents, and recommend that the same be allowed the Treasurer in the settlement of his Public Accounts ; which was read and concurred in, and the Committee discharged from its further consideration. Thereupon, on motion of Mr. Mosley, ordered that said report be transmitted to the House of Commons.

On motion of Mr. Edwards,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election

for Solicitor, for the first Judicial Circuit, at one o'clock to-day.

Mr. Polk, from the Committee on Finance, to whom was referred so much of the Governor's Message, as relates to the Revenue, and the Revenue laws of the State, reported that the subject should be referred to a joint select Committee of two, on the part of each House, with instructions to report a bill. The Committee asked to be discharged from the further consideration of the subject. It was accordingly discharged. Thereupon, on motion of Mr. Moseley, ordered that said report lie upon the table.

Received from the House of Commons a message, informing the Senate that Messrs. Braswell, Brummell, Kennan, and Byrd, compose their branch of the Committee on enrolled bills, this week. Whereupon, the Speaker announced that Messrs. McCormick and Burney, form the Committee on the part of the Senate, on enrolled bills, this week.

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the General Assembly vote this day, at 1 o'clock, for a Solicitor of the first Judicial Circuit.

Received from the House of Commons the Pension Certificate of Martha Thompson, of the county of Mecklenburg; which was, on motion of Mr. Fox, countersigned by the Speaker of the Senate.

Received from the House of Commons a message, informing the Senate that John R. J. Daniel is in nomination for Judge.

Received from the House of Commons a message, in which they do not concur in the amendment proposed by the Senate to the engrossed bill increasing the liabilities of Sheriffs. Whereupon, the Senate receded from their amendment.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate, to the engrossed bill making compensation to Jurors in Ashe county.

The Senate proceeded to consider the bill entitled a bill to alter the time of holding the Superior Courts of Law and Equity; which was read the third time. Thereupon, Mr. Williams moved it be indefinitely postponed, which was not agreed to; and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. J. W. Bryan, from the Committee on the Judiciary, to whom was referred the bill ascertaining the mode of proving book debts, reported, and recommended to the Senate to strike out the amendment proposed, viz: the words "upon an express or implied promise," and to insert the words "*emissit, indebitatus assumpsit, quantum meruit, or quantum valebat;*" which amendment was agreed to.

The bill then passed as amended, and was ordered to be enrolled.

Received from the House of Commons a message, stating that the name of John S. Guthrie is withdrawn from the nomination for Solicitor of the first Judicial Circuit.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote tomorrow; at eleven o'clock, for Comptroller; which was read and concurred in.

On motion of Mr. Joyner, the bill, entitled a bill to incorporate the Norfolk and Edenton Rail-Road Company, was re-considered. Thereupon, he moved the following as an amendment to a former amendment, viz:

In the fourth line of the tenth section, counting from the end of the section, strike out "twenty-five," and insert "twelve and a half."

Which amendment was agreed to. The bill then passed as amended.

Received from the House of Commons a message, informing the Senate, that Messrs. Cansler and Graham form their branch of the Committee to superintend the election of Judge. Whereupon, the Speaker announced that Messrs. Marsteller and Hargrave compose our branch of the Committee to superintend said election. The Senate then proceeded to vote as follows, viz:

Those who voted

FOR MR. NASH, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Kelly,
Albright,	Melchor,
Baker,	Moody,
Barnett,	Moseley,
Bryan, of C. & J.	Morehead,
Burney,	Moye,
Carson,	Moore,
Davidson,	McCormick,
Dobson,	Myers,
Dockery,	Polk,
Edwards,	Reding,
Gudger,	Reinhardt,
Hall,	Sanders,
Hawkins,	Spruill,
Hargrave,	Taylor,
Joyner,	Williams—33.
Jones,	

Those who voted

FOR MR. DANIEL, ARE:

MESSRS. Bryan, of Craven,	MESSRS. Kerr,
Bunting,	Lindsay,
Cowper, of G. & C.	Marsteller,
Cooper, of Martin,	Montgomery,
Exum,	Reid,
Fox,	Whitaker—13.
Hussey,	

Mr. Arrington voted for Edward Hall; and Messrs. Mebane and Skinner, for John L. Bailey.

Mr. Marsteller, from the Committee appointed on the part of the Senate, to superintend the election of Judge of the Superior Courts of Law and Equity for this State, reported that Frederick Nash had received a majority of the whole number of votes given in, and is declared duly elected. Thereupon, the Committee was discharged from the further consideration of the subject. In which report the Senate concurred.

Received from the House of Commons a message, informing the Senate that Messrs. Stallings and Rayner, are Superintendants of the vote for Solicitor of the first Judicial Circuit. Whereupon, the Speaker announced that Messrs. Taylor and Hall, form our branch of the Committee, to superintend said election.

The Senate then proceeded to vote, as follows, to wit :

Those who voted

FOR DAVID OUTLAW, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Kelly,
Albright,	Melchor,
Arrington,	Montgomery,
Baker,	Moody,
Barnett,	Moye,
Bryan of C. & J.	Morehead,
Burney,	Moore,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Hargrave,	Spruill,
Joyner,	Taylor,
Jones,	Williams—28

Those who voted

FOR THOMAS BRAGG, ARE

MESSRS. Bryan of C.	MESSRS Kerr,
Bunting,	Lindsay,
Cowper of G. & C.	Marsteller,
Cooper of M.	Mebane,
Dobson,	Moseley,
Edwards,	McCormick,
Exum,	Reid,
Fox,	Reinhardt,
Hall,	Sanders,
Hawkins,	Whitaker--21.
Hussey,	

Mr. Taylor, from the Committee appointed on the part of the Senate, to superintend the election of Solicitor for the first Judicial Circuit, reported that David Outlaw having

received a majority of the whole number of votes given in, is duly elected ; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Reinhardt, the Senate proceeded to consider the bill, entitled a bill regulating the duties of Overseers of Public roads ; which was read the second time.

Thereupon, Mr. Carson moved that it lie upon the table. The question recurring thereon, it was decided in the negative.

Whereupon, on motion of Mr. Skinner, the bill was postponed indefinitely.

On motion of Mr. Moseley, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 20, 1836.

Mr. Williams presented the proceedings of a public meeting of the citizens of Hyde county, relative to draining Mattamuskeet Lake ; which was read, and, on his motion, referred to the Committee on Internal Improvement.

Mr. McCormick presented the Pension Certificate of Martha Spears, the widow of the late John Spears, of Cumberland county ; which was read, and, on motion of Mr. McCormick, was countersigned by the Speaker, and ordered to be transmitted to the House of Commons.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Report of the President of the Raleigh and Gaston Rail Road Company, reported that they deem no legislative action on the subject necessary ; and, therefore, ask leave to be discharged from its further consideration. Thereupon, the Committee was discharged accordingly.

Received from the House of Commons a message, informing the Senate that William F. Collins, and Ralph McNair, are in nomination for Comptroller.

Received from the House of Commons a message, informing the Senate that they are now ready to proceed in voting for a Comptroller, according to the agreement of the two Houses ; and also stating that Messrs. Hutchison and Adams, are the Committee on the part of their House, to superintend the election ; and that they will vote on the return of the messenger.

Thereupon, the Speaker announced that Messrs. Williams and Reid, are appointed the Committee on the part of this House, to superintend said election.

Thereupon, the Senate proceeded to vote as follows, to wit :

Those who voted

FOR WILLIAM F. COLLINS, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Melchor,
Albright,	Montgomery,
Arrington,	Moody,
Barnett,	Moye,
Bryan of C. & J.	Morehead,
Burney,	Moore,
Carson,	McCormick,
Davidson,	Myers,
Dockery,	Polk,
Gudger,	Reding,
Hargrave,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams—28.

Those who voted

FOR RALPH McNAIR, ARE :

MESSRS. Baker,	MESSRS. Houlder,
Bryan of Craven,	Hussey,
Bunting,	Kerr,
Cowper, of G. & C.	Lindsay,
Cooper, of Martin,	Marsteller,
Dobson,	Mebane,
Edwards,	Moseley,
Exum,	Reid,
Fox,	Saunders,
Hall,	Whitaker—21.
Hawkins,	

Mr. Williams, from the Committee on the part of the Senate, appointed to superintend the election of Comptroller, reported that William F. Collins having received a majority of the whole number of votes given in, is duly elected; in which the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Moseley, the report from the Committee on Finance, to whom was referred so much of the Governor's Message, as relates to the Revenue, and the Revenue Laws of the State, heretofore laid upon the table, was taken up for consideration; which was read, and ordered to be transmitted to the House of Commons, with a proposition to print.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses proceed to vote tomorrow, at 11 o'clock, for Public Treasurer of the State.

Received from the House of Commons a message, informing the Senate, that Messrs. Hoke and Erwin, superintend the vote for Senator on behalf of the House of Commons.

Thereupon, the Speaker announced that Messrs. Joyner and Edwards, are appointed superintendants on the part of the Senate of said election.

Thereupon, the Senate proceeded to vote as follows, viz :
Those who voted

FOR ROBERT STRANGE, ARE:

MESSRS. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cowper of G. & C.
Cooper of M.
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

MESSRS. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
McCormick,
Reid,
Reinhardt,
Sanders,
Whitaker—24.

Those who voted

FOR JOHN OWEN, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Montgomery,
Albright,	Moody,
Bryan, of C. & J.	Moye,
Burney,	Morehead,
Carson,	Moore,
Davidson,	Myers,
Dockery,	Polk,
Gudger,	Reding,
Hargrave,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams—25.
Melchor,	

Mr. Barnett voted for Wm. D. MOSELEY.

Mr. Edwards, from the Committee appointed on the part of the Senate, to superintend the election for a Senator in the Congress of the United States, from the third of March one thousand eight hundred and thirty-seven, reported that Robert Strange having received a majority of the whole number of votes given in, is duly elected; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Cowper, of Gates and Chowan, presented the following Resolution, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a Committee of two, on the part of each House, to enquire and propose at what time the two Houses shall be adjourned, *sine die*.

Which was read and adopted.

Received from the House of Commons a message, agreeing to vote to-morrow, at eleven o'clock, for Treasurer.

Mr. Montgomery presented the following Resolution, to-wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of altering the Fall Term of the first Judicial District, and report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Cowper, of Gates and Chowan,

Ordered, That a message be sent to the House of Commons, proposing to set apart Friday evening next, for the purpose of recommending Justices of the Peace.

Mr. J. W. Bryan presented a bill, entitled a bill to cure certain errors in Judicial proceedings, in the Supreme Court; which was read the first time and passed.

On motion of Mr. Polk, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Davie; which was read the second time.

The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Montgomery demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Albright, Baker, Barnett, Burney, Carson, Davidson, Dockery, Dobson, Fox, Gudger, Hargrave, Jones, Kerr, Kelly, Melchor, Moseley, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, and Whitaker—25.

Those who voted in the negative, are:

MESSRS. Arrington, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Hall, Hawkins, Houlder, Hussey, Joyner, Lindsay, Marsteller, Mebane, Montgomery, Moody, Moye, Sanders, Skinner, Spruill, Taylor and Williams—24.

The bill was then read the third time. The question recurring on its passage, it was decided in the affirmative.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Albright, Baker, Barnett, Burney, Carson, Davidson, Dockery, Dobson, Fox, Gudger, Hargrave, Jones, Kerr, Kelly, Melchor, Moseley, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, and Whitaker—25.

Those who voted in the negative, are:

MESSRS. Arrington, Bryan of Craven, Bryan of Carteret and Jones, Bunting, Cowper of Gates and Chowan, Cooper of Martin, Edwards, Exum, Hall, Hawkins, Houlder, Hussey, Joyner, Lindsay, Marsteller, Mebane, Montgomery, Moody, Moye, Sanders, Skinner, Spruill, Taylor and Williams—24.

The bill was then ordered to be enrolled.

Received from the House of Commons the resignations of the following Field Officers, to-wit: Owen B. Cox, as

Colonel commanding the Regiment of Militia for the county of Jones ; Thomas Battle, as Colonel commanding the 24th Regiment of Militia for the county of Onslow; which were severally read and accepted.

Mr. Polk, from the Military Committee, to whom was referred No. 4 of the Revised Code, relative to the Militia, reported the same bill, with sundry amendments ; which was read the first and second times, and passed, as amended.

On motion of Mr. Moye, the Senate adjourned until 3 o'clock P. M.

THREE o'clock, P. M.

The Senate proceeded to consider the message from the House of Commons, transmitting to the Senate the following Revised Code bills, to-wit:

No. 33, concerning the draining of low lands ; No. 32, concerning the Currency of the State ; No. 34, providing for the appointment of Notaries ; No. 28, for restraining the taking of excessive Usury ; No. 27, concerning Overseers ; No. 26, concerning Pensions ; No. 14, concerning Coroners ; No. 31, concerning Hunting.

Which were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the Revised bill No. eleven, concerning the Poor. Thereupon, the Senate receded from their amendment.

Ordered, That said bill be enrolled.

Also, a message, concurring in the amendment marked A, proposed by the Senate to the Revised bill No. 3, concerning Wrecks ; but they do not concur in the proposed amendment marked B. Thereupon, the Senate receded from their amendment marked B.

Ordered, That said bill be enrolled.

On motion of Mr. Marsteller, the Senate proceeded to consider the bill No. 17 of the Revised Statutes, concerning the Treasurer of the State : which was read. Thereupon, Mr. Morehead moved the following amendment, viz:

In the first section and fifth line, strike out the word "two," and insert in lieu thereof, the word "one."

The question recurring thereon, it was decided in the negative.

Mr. Exum demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are :

MESSRS. Barnett, Carson, Dockery, Hargrave, Kelly, Moye, Morehead, McCormick and Taylor—9.

Those who voted in the negative, are:

MESSRS. Baker, Bryan, of Craven, Bunting, Burney, Cooper of Martin, Exum, Fox, Gudger, Houlder, Kerr, Marsteller, Melchor, Moseley, Moore, Myers, Reid, Reding, Spruill, and Whitaker—19.

Mr. Morehead then moved the following amendment as an additional section, to wit :

If any person appointed Treasurer, of his own head and imagination, or by false conspiracy, or fraud with others, shall wittingly, or falsely make, or cause to be made, any false entry, or charge, in any book, or books, which he is required by law to keep, or shall wittingly and falsely form, or procure to be formed any statement of the Treasury, to be by him laid before the General Assembly, or any Committee thereof, or to be by him used in any settlement, which he is required to make with the Comptroller, with intent in either, or any of said instances, to defraud the State, or any person or persons ; such Treasurer shall be deemed and held guilty of a misdemeanor, and upon due conviction thereof, in any of the Superior Courts of this State, shall be fined at the discretion of the Court, not exceeding one thousand dollars, and imprisoned not exceeding three years.

The question recurring thereon, it was decided in the affirmative. The bill then passed the third reading as amended.

The Senate proceeded to consider the bill of the Revised

Statutes, No. 15, concerning the Comptroller; which was read three times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, concurring in all the amendments proposed by the Senate, to the Revised Bill, No. 6, concerning elections of members of Congress, *except the proposed amendment, to the first section*, in which they do not concur, and ask a conference; to which the Senate agreed.

Mr. Marsteller then moved that a Committee of conference be raised: Whereupon, Messrs. Edwards and J. W. Bryan, were appointed said Committee.

Received from the House of Commons a message, in which they do not concur in the amendment proposed by the Senate to the Revised Bill, No. 38, concerning Pilots. Thereupon, the Senate receded from their amendment.—Whereupon, on motion of Mr. Spruill, the vote was subsequently reconsidered, and, on his motion, a Committee of conference was agreed to.

On motion of Mr. Moseley, the Senate adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DECEMBER 21, 1836.

Mr. Moore presented the resignation of Andrew Steel a Justice of the Peace for the county of Stokes, which was read and accepted, and sent to the House of Commons.

Mr. Bunting presented a memorial from certain members of the corporation of the town of Fayetteville, protesting against the passage of a bill, entitled a bill, for the better regulation of the Town of Fayetteville, which was read, and ordered to lie upon the table.

Mr. Baker presented sundry memorials from certain citizens of Burke county, praying the Legislature to repeal an act, entitled an act to appoint commissioners to lay off a road from Morganton in Burke county, to Burnsville in Yancy county, passed in the year 1833-4, so far as respects Burke county, which was read, and referred to the Committee on Propositions and Grievances.

On motion of Mr. Moseley, a message was sent to the House of Commons, proposing to that House to rescind the agreement of the two Houses, to vote this day for Treasurer, and that the two Houses vote on Monday next, at 12 o'clock, for Treasurer.

Received from the House of Commons a message, agreeing to rescind the agreement to vote this day for Treasurer; and they also agree to the proposition of the Senate, that the two Houses of the General Assembly vote on Monday next, at 12 o'clock, for Treasurer.

Mr. James W. Bryan, from the select Committee to whom was referred the Resolution to inquire into the expediency of defining the distinction between what are denominated Public and Private Acts, reported, that the difficulty of the subject has prevented them from defining any *precise rule*, by which the character of every bill might be easily tested. Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Taylor,

Ordered, That said Report be printed.

Mr. Polk, from the Committee of Finance, to whom was referred the bill making compensation to the Public Treasurer for his services, reported the same bill, and recommended that the blank be filled up with the sum of two thousand dollars.

The question recurring thereon, it was decided in the negative.

Mr. Houlder demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:

MESSRS. Bryan of Carteret and Jones, Cowper of Gates and Chowan, Davidson, Hargrave, Hawkins, Jones, Marsteller, Mebane, Montgomery, Polk, Skinner and Taylor—12.

Those who voted in the negative, are:

MESSRS. Albright, Arrington, Baker, Barnett, Bryan of Craven, Bunting, Carson, Cooper of Martin, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hall, Houlder, Hussey, Joyner, Kerr, Kelly, Lindsay, Melchor, Moody, Moseley, Moye, Morehead, Moore, McCormick, Myers, Reid, Reding, Reinhardt, Sanders, Spruill, Williams and Whitaker—36.

Mr. Edwards then moved to fill up the blank with *eighteen hundred dollars* ; and the question recurring thereon, it was decided in the affirmative.

Mr. Houlder demanding the Yeas and Nays, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Baker, Barnett, Bryan, of Carteret and Jones, Carson, Cowper, of Gates and Chowan, Davidson, Dockery, Edwards, Gudger, Hargrave, Hawkins, Joyner, Jones, Marsteller, Mebane, Melchor, Montgomery, Moody, Moore, Myers, Polk, Reinhardt, Skinner, Taylor, and Williams—25.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Bryan, of Craven, Bunting, Cooper, of Martin, Dobson, Exum, Fox, Hall, Houlder, Hussey, Kerr, Kelly, Lindsay, Moseley, Moye, Morehead, McCormick, Reid, Reding, Sanders, Spruill and Whitaker—23.

The bill was then read the third time as amended. The question recurring on the passage thereof, it was decided in the affirmative.

Mr. Arrington demanding the Yeas and Nays, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Baker, Barnett, Bryan, of Carteret and Jones, Carson, Cowper, of Gates and Chowan, Davidson, Dockery, Edwards, Fox, Gudger, Hargrave, Hawkins, Joyner, Jones, Marsteller, Mebane, Melchor, Montgomery, Moody, Morehead, Moore, Myers, Polk, Reinhardt, Skinner, Spruill, Taylor, and Williams—28.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Bryan, of Craven, Bunting, Cooper, of Martin, Dobson, Exum, Hall, Houlder, Hussey, Kerr, Kelly, Lindsay, Moseley, Moye, McCormick, Reid, Reding, Sanders, and Whitaker—20.

The bill was then ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the Resolutions relative to the existing Tariff law, heretofore introduced by him, and the Senate having spent some time therein, pending the question, Mr. Moseley moved that the Senate adjourn until 3 o'clock, P. M ; which motion was agreed to.

THREE o'clock, P. M.

Received from the House of Commons a message, stating that they have postponed indefinitely, the engrossed bill, relative to the appointment of Comptroller.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote to-morrow, at 12 o'clock, for seven Councillors of State; and informing the Senate that the following gentlemen are in nomination, to wit :

Johnston Busbec, of *Wake*,
Alfred Webb—*Rutherford*,
Charles E. Johnston—*Chowan*,
Joseph T. Rhodes—*Duplin*,
Willie Perry—*Franklin*,
Alfred Jones—*Wake*,
W. A. Blount—*Beaufort*,
Abram McRae—*Cabarrus*,
Allen Goodwin—*Chatham*,
Edmund Jones—*Wilkes*,
Samuel McCombs—*Mecklenburg*,
George Williamson—*Caswell*,
Daniel Turner—*Warren*,
Allen Rogers, Sr.—*Wake*,
William S. Ashe—*New Hanover*,
John Haywood—*Bertie*,
Archibald McDiarmid—*Cumberland*.

Which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

It was then ordered that a message be sent to the House of Commons, proposing to vote for Councillors of State, on Monday next, at 11 o'clock.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate to the engrossed bill, to incorporate the General Mining and Manufacturing Association. Ordered that said bill be enrolled.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the

engrossed bill, to incorporate the Norfolk and Edenton Rail Road Company.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to authorise Clerks and Masters in Equity, to make title to real and personal property, sold under the decree of a Court of Equity, with sundry amendments ; which were read and agreed to.

Received from the House of Commons a message, stating that they have passed the following Revised bills ; in which they ask the concurrence of the Senate.

The Senate then proceeded to consider the Revised Bills No. 41, concerning Idiots and Lunatics ; No. 35, concerning Corporations ; and No. 29, providing for the appointment of Electors, to vote for a President and Vice President of the United States.

The two first named bills were read three times, and passed, and ordered to be enrolled.

The last named bill was read the first and second times, and passed.

Thereupon, Mr. Jones moved the following amendment, to wit :

In the first Section and nineteenth line, after the word *Thursday*, insert *and Friday* ; which was agreed to.

Thereupon, on motion of Mr. Marsteller, ordered to lie upon the table.

The Speaker presented to the Senate, a communication from his Excellency, the Governor, transmitting a letter from Louis McLane, on behalf of the Morris Canal and Banking Company, relative to borrowing that portion of the Surplus Revenue, which may fall to North Carolina ; which was read, and ordered to be sent to the House of Commons, with a proposition to refer it to the Committee on the Surplus Revenue.

The Senate proceeded to consider No. 4, of the Revised Code, concerning the Militia of this State ; which was read the third time, amended and passed, and ordered to be transmitted to the House of Commons.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 23, 1836.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the memorial of the Roanoke Navigation Company, made a report thereon, and recommended the passage of the following Resolution, viz:

Resolved, That the Public Treasurer be, and he is hereby authorized and required to pay to the Roanoke Navigation Company, the sum of one thousand dollars, being for interest on the deferred payments made on the State's last subscription of twenty-five thousand dollars, to the Capital Stock of said Company; payment to be made out of any dividend now due, or that may hereafter become due to the State, from said Roanoke Navigation Company.

Which was read the first time, and passed.

Mr. Dockery presented the following Preamble and Resolutions, to wit:

Whereas, the Constitution of this State makes it the duty of the Legislature to establish Schools for the education of the people; and whereas, a faithful compliance with the said requisition of the Constitution, is calculated to perpetuate the blessings of a free government to posterity, since all such governments must mainly depend upon the intelligence and virtue of the mass of the people, who are the rightful source of all political power; and whereas, this State is about to receive a large amount of money from the Government of the United States, which will not, in all probability, be required for a great number of years, if ever, by the legitimate wants of said Government: Therefore,

Resolved, That the joint select Committee on the Surplus Revenue, be instructed to enquire into the expediency of adding thousand dollars to the Literary Fund.

Resolved, That they be further instructed to enquire into the expediency of distributing the interest of said fund among the several counties of this State, in proportion to their

federal population, to be applied to the purposes of educating the indigent youth of the State; and that they have leave to report by bill or otherwise.

Which were read and referred to the Committee on the Surplus Revenue.

Received from the House of Commons the following resignations, to-wit: John Weeks, a Justice of the Peace for the county of Mecklenburg; Solomon Reid, as Colonel Commandant of the 69th Regiment of North Carolina Militia, and South Regiment of Mecklenburg county: which were read and accepted.

Received from the House of Commons a message, stating that they have passed the following engrossed Bills, in which they ask the concurrence of the Senate, to-wit:

A bill to amend the Charter of the Cape Fear, Yadkin and Pedee Rail Road Company;

A bill for the relief of John Timson, a native Cherokee Indian, and his family.

The first named bill was read the first and second times and passed, and, on motion of Mr. Jones, referred to the Committee on Internal Improvement.

The latter bill was read the first and second times and passed, and, on motion of Mr. Morehead, postponed until to-morrow.

On motion of Mr. Dockery,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote to-morrow, at 1 o'clock, for Public Printer.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, informing them that the name of Edmund Jones, of Wilkes, is withdrawn from the nomination for Councillors of State.

Mr. Edwards presented the petition of James S. Green, a citizen of Wilmington, on behalf of James Hostler, a slave; which was read, and, on motion of Mr. Edwards, referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, stating that they have passed the following engrossed bill, to-wit: To incorporate the Rockfish Manufacturing Company of Fayetteville—in which they ask the concurrence of the Senate; which was read the first and second times and passed; thereupon, on motion of Mr. Mebane, ordered to lie upon the table.

Whereupon, on motion of Mr. J. W. Bryan, said bill was subsequently taken up for consideration. Thereupon, he moved the following amendment thereto, to-wit:

At the end of the second section, add “upon Rockfish Creek, in the county of Cumberland, and for no other purpose whatsoever.”

Which was agreed to. The bill was then read the third time and passed as amended.

On motion of Mr. Edwards,

Ordered, That Messrs. Hargrave and Moseley have leave of absence from the service of the Senate, from and after to-day, until Tuesday next.

Mr. Spruill presented the resignation of Joseph Alexander, a Justice of the Peace for the county of Tyrrell;—which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, informing the Senate that they have postponed indefinitely the engrossed bill to give to lessors of land a lien upon the crops of their lessees, for the payment of the rent.

Received from the House of Commons a message, stating that they do not concur in the proposition of the Senate, to set apart Friday evening next for the purpose of appointing Justices of the Peace; but propose that the two Houses meet on Friday, the 30th inst. 3 o'clock, P. M. for that purpose: which was read, and, on motion of Mr. Sanders, ordered to lie upon the table.

Received from the House of Commons a message, proposing that a joint select Committee of five on the part of each House, be raised, to enquire into the expediency of

erecting a Penitentiary in this State, and report by bill or otherwise; which was read and concurred in.

Whereupon, the Speaker announced to the Senate, that Messrs. Joyner, Dobson, Taylor, Jones and Fox, form our branch of the joint select Committee, on the subject of erecting a Penitentiary.

On motion of Mr. Marsteller, the Senate proceeded to consider the following Bill and Resolution, to wit:

A bill, entitled a bill, to amend the law relative to receiving bonds of Sheriffs; which was, on motion of Mr. Dobson, ordered to lie upon the table.

Also, the Resolution in favor of James C. Turrentine; which was, on motion of Mr. Marsteller, referred to the Committee of Claims.

The Senate then proceeded to consider the bill entitled a bill to cure certain errors in Judicial proceedings in the Supreme Court; which was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolution, to wit:

A Resolution in favor of Daniel Bryson; which was read the first time and passed.

Received from the House of Commons a message, transmitting to the Senate, a Message from his Excellency, the Governor, and the accompanying papers; which was read, and, on motion of Mr. Moseley, ordered to lie upon the table.

Received from the House of Commons a message, proposing that the agreement of the two Houses, to vote on Monday next, for Treasurer, be *rescinded*; and that the General Assembly vote for that Officer on Wednesday next, at 11 o'clock; which was read and concurred in, and the House of Commons informed thereof by message.

On motion of Mr. Marsteller, the Senate proceeded to consider the message of the House of Commons, relative to the Cherokee lands, heretofore laid upon the table.

Whereupon, Mr. Gudger moved that the Senate recede

from their amendments to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina; which motion was not agreed to.

Thereupon, on motion of Mr. Marsteller, the Senate insisted upon their amendment.

Also, a Resolution in favor of John Miller; which was read the second time and passed; and, on motion of Mr. Marsteller, referred to the Committee on Private Bills.

On motion of Mr. Hargrave,

Ordered, That a message be sent to the House of Commons, proposing to rescind the agreement of the two Houses, to vote this day, at 12 o'clock, for Councillors of State; and that the General Assembly vote, on Wednesday next, at 12 o'clock, for Councillors of State.

The Resolutions relative to the existing Tariff law, the unfinished business of yesterday, were taken up for consideration.

Whereupon, on motion of Mr. James W. Bryan,

Ordered, That said Resolutions lie upon the table.

Received from the House of Commons a message, informing the Senate, that Messrs. Hartley and Granberry, form the Conference Committee on the part of that House, raised on the disagreement between the two Houses, to the amendment proposed by the Senate to the Revised Bill, No. 38.

Whereupon, the Speaker announced to the Senate, that Messrs. Spruill and Marsteller, form our branch of said Committee.

Mr. Marsteller, from the Committee of Conference, to whom was referred a bill, No. 38, concerning Pilots, made a report thereon, and the Committee unanimously recommended that the House of Commons agree to the amendment proposed by the Senate; in which report, the Senate agreed.

Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, stating that Messrs. Hutchison and Graham, form their branch of the Committee of Conference, on the Revised Bill, No. 6, relative to the election of President and Vice President.

On motion of Mr. Sanders, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 23, 1836.

Mr. Joyner presented the resignation of Joseph R. Ballard, a Justice of the Peace for the county of Martin ; which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing that a Committee of two, on the part of each House, be raised, to take into consideration the Revenue Laws of the State ; and that said Committee be instructed to report a bill for amending the same ; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill fixing the time for perfecting titles to lands heretofore entered and paid for, with the following amendment, to wit :

Add to the bill the Section marked A.

And be it further enacted, That this Act shall be in force from and after its ratification.

In which they ask the concurrence of the Senate :

Which was read and concurred in.

Received from the House of Commons a message, concurring in all the amendments proposed by the Senate, to the Revised Bill, No. 17, except the last ; and in that they concur, with the following amendment : Between the words *laid before*, and the *General Assembly*, insert the words, *the Governor* ; which was read and concurred in. The bill was then ordered to be enrolled.

Received from the House of Commons, a message disagreeing to the proposition of the Senate, that the two Houses vote on Monday next, for Councillors of State, but propose to go into that election on Wednesday next, at 12 o'clock; which was read, and concurred in. Also, informing the Senate, that Messrs. Alfred Webb, William A. Blount and Joseph T. Rhodes, are withdrawn from the nomination; James Ellison of Beaufort is added to the nomination.

Received from the House of Commons, a message agreeing to the proposition of the Senate, that the message of his Excellency the Governor, be referred to the Committee on the Surplus Revenue.

Received from the House of Commons a message, proposing that the Order of the two Houses, for going into an election, this day, for a Public Printer, *be rescinded*; which was read and concurred in.

Mr. Albright presented a bill, entitled a bill to incorporate the Cane Creek, Farmers', and Mechanics' Cotton Manufacturing Company, of Orange and Chatham; which was read the first time and passed; and, on motion of Mr. Albright, referred to the Committee on Private Bills.

Received from the House of Commons, the resignation of Reddick Freeman, a Justice of the Peace for the county of Burke; which was read and accepted.

On motion of M. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to raise a joint select Committee, to consist of two on the part of each House, to wait upon his Excellency, Edward B. Dudley, to ascertain of him, at what time it will suit his convenience to take the oaths of Office:

Received from the House of Commons a message, agreeing to the proposition of the Senate, that the two Houses vote for Public Printer, this day at 1 o'clock.

Mr. Jones, from the Committee of Finance, to whom was referred a bill, entitled a bill to amend an act passed at the last General Assembly, entitled an act making

it the duty of the Governor, to convey to the Justices of Haywood county, certain lands therein named, Chapter 159, reported the same bill, and recommended its rejection ; which was concurred in, and the bill rejected accordingly.

Thereupon, the Committee was discharged from its further consideration.

The Senate proceeded to consider the bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by Treaty from the Cherokee Indians ; which was read the second time and passed.

On motion of Mr. Marsteller, the vote to refer the Resolution, in favor of John Miller, to the Committee on Private Bills, was reconsidered. Thereupon, the Resolution was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz :

No. 44, concerning Mines ; No. 42, concerning Weights and Measures ; No. 45, concerning Fences ; No. 40, concerning Strays ; No. 37, concerning Partition.

Which were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote for Public Printer, on Wednesday next, at 1 o'clock, P. M. in which, they ask the concurrence of the Senate.

Which was read and concurred in.

Mr. Moyer presented the Petition of sundry citizens of the counties of Pitt, Green, Lenoir, and Craven, praying the Legislature to grant them permission to erect a bridge across great Contentnea Creek, at or near Washington's Ferry on said Creek ; which was read, and, on motion of Mr. Moyer, referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, enclosing the following communication, addressed to the Speakers of both Houses of the Legislature :

Raleigh, December 23, 1836.

GENTLEMEN :

I have had the honor of receiving your communication of the 12th instant, informing me of my election, as Governor of the State of North Carolina, for two years, commencing with the 1st January, 1837 ; and that it would be acceptable to the Legislature, to be informed at what time it would be convenient to me, to appear before the two Houses, to take the oaths prescribed for the qualification of a Governor.

I will do myself the honor of appearing before the two Houses of the General Assembly, on Saturday the 31st instant, for that purpose, unless it shall suit the convenience of the Assembly to name some earlier day.

With very high respect,

I am, gentlemen,

Your obedient servant,

EDWARD B. DUDLEY.

Said message proposed to appoint a joint select Committee of two, on the part of each House, to wait upon the Governor elect, and inform him that it will be convenient for the two Houses of the General Assembly, to meet together on 31st December, 1836, for the purpose of his taking the oaths prescribed for his qualification as Governor of the State ; and that said Committee make suitable arrangements for that purpose, and report to the two Houses.

The message was concurred in, and Messrs. J. W. Bryan and Hall, appointed the Committee on the part of the Senate, and the House of Commons informed thereof by message.

Upon motion of Mr. Marsteller, the bill for the relief of John Timson, a native Cherokee Indian and his family, were taken up, and, upon motion of Mr. Williams, referred to the Committee on the Judiciary.

The Resolution in favor of Daniel Bryson was taken up, and read, and, on motion of Mr. Polk, ordered to lie on the table.

The Resolution in favor of the Roanoke Navigation

Company was also taken up, read, and, on motion of Mr. Joyner, ordered to lie on the table.

On motion of Mr. Baker, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 24, 1836.

Mr. McCormick presented a memorial of a number of citizens of Fayetteville, against the right of free negroes voting in elections of Officers of said town; and, upon his motion, said memorial, and the counter memorial from citizens of said town, and the bill concerning the town of Fayetteville, now on the table, were referred to the Committee on Private Bills.

A memorial signed by David L. Swain, J. H. Bissell, and Isaac T. Avery, on behalf of the Delegation from N. Carolina, to the Knoxville Rail Road Convention, held at that place the 4th of July past, and addressed to the General Assembly, was presented by Mr. Carson, and, upon his motion, referred to the Committee on Internal Improvements.

Mr. Marsteller presented the resignation of Lewis Thomas, a Justice of the Peace of New-Hanover county; which was read and accepted, and sent to the House of Commons.

The Senate proceeded to consider a bill prescribing the mode of surveying and selling the lands of the State, lately acquired by treaty from the Cherokee Indians.

Mr. Houlder moved that said bill lie on the table and be printed, one copy for each member; which was negatived, and the bill was read the the third time.

Mr. Gudger moved to strike out the first Monday of October, and insert the first Monday of September, as the time of sale of said lands; which was carried, and, upon his motion, the blank was filled with four thousand dollars, and the bill ordered to lie on the table.

Mr. Bryan, of Carteret and Jones, from the Judiciary

Committee, to whom was referred the bill for the relief of John Timson, a native Cherokee Indian, and his family, reported said bill, with the recommendation of a majority of the Committee, that it should pass.

The said bill being put upon its third reading, Mr. Bryan moved to strike out the second section ; which was negatived.

The question recurring upon the passage of said bill, its third reading, Mr. Montgomery demanded the Yeas and Nays, and it passed its third reading, Ayes 29, Noes 16, and was ordered to be enrolled.

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan, of Craven, Bunting, Burney, Carson, Cowper, of Gates and Chowan, Davidson, Dobson, Doekery, Edwards, Fox, Gudger, Hall, Hawkins, Joyner, Jones, Kerr, Marsteller, Moody, Moseley, Morehead, Moore, Myers, Reid, Reding, Reinhardt, Sanders, and Spruill.

Those who voted in the negative, are:

MESSRS. Bryan, of Carteret and Jones, Cooper, of Martin, Exum, Houlder, Hussey, Kelly, Lindsay, Mebane, Melehor, Montgomery, Moye, McCormick, Skinner, Taylor, Williams and Whitaker.

Received from the House of Commons a message, accompanying an engrossed bill, entitled a bill to change the site of the Court House and Jail of the county of Hyde ; which bill was read three times, passed, and ordered to be enrolled.

Mr. Joyner, from the Committee on Internal Improvements, reported the bill, entitled a bill to amend the Charter of the Cape Fear, Yadkin and Pedee Rail Road Company, with sundry amendments ; which were adopted, and the bill put on its third reading, and, on motion of Mr. Dobson, ordered to lie on the table.

Received from the House of Commons a message, containing Revised Statute No. 69, concerning Justices of the Peace ; which was read the first time and passed.

The Resolutions of Mr. Edwards, lying upon the table, on motion of Mr. Edwards, were taken up, and, on motion of Mr. Bryan, of Carteret and Jones, made the Order of the day for Thursday next.

On motion of Mr. Bryan, of Carteret and Jones, the following Resolution was adopted:

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select Committee of three on the part of each House, to enquire into the expediency of fitting up the Government House, and furnishing the same for the Governor of the State, and to ascertain the amount of money required to fit up and furnish the same—and that they report a bill or Resolution, if expedient, to carry the same into effect.

Mr. Reid introduced a certificate of the Postmaster General, relative to his appointment of Postmaster, and requested that it be referred to the Committee of Privileges and Elections. Whereupon, Mr. Bryan, of Carteret and Jones, moved that the Committee of Privileges and Elections be discharged from the further consideration of the case of Mr. Reid, as referred ; which was ordered, and the Committee discharged.

On motion of Mr. Edwards, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1836.

Mr. Moore, from the Committee on Private Bills, to which was referred the bill concerning the regulation of the town of Fayetteville, and the memorial and counter memorial, reported said bill, and recommended its passage.

It was accordingly read the second and third times, and passed, and ordered to be engrossed.

Mr. Moore, from the same Committee, reported the bill to incorporate the Cane Creek Farmers' and Mechanics' Cotton Manufacturing Company of Orange and Chatham, with a recommendation that it should pass.

Said bill was read the second and third times, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. James Calloway, Calvin Coor, Thomas Marshall, and Joshua S. Swift, form their branch of the Committee on enrolled bills, the present week.

Whereupon, the Speaker announced to the Senate, that

Messrs. Jones and Whitaker, form our branch of the Committee on enrolled bills this week.

The Senate proceeded to consider the bill, No. 69, of the Revised Statutes, concerning Justices of the Peace ; which was read the second and third times, and passed, and ordered to be enrolled.

Mr. Polk, from the joint select Committee on Public buildings, to whom was referred the Report of the Commissioners appointed to superintend the re-building of the Capitol, reported a bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State ; which was read the first and second times and passed.

Ordered, That it lie on the table.

On motion of Mr. Joyner, the Senate proceeded to consider the engrossed bill, entitled a bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company ; which was read the third time.

Thereupon, on motion of Mr. J. W. Bryan, ordered to lie on the table.

Mr. Montgomery, from the Committee of Propositions and Grievances, to whom was referred the petition of Jas. S. Green, of Wilmington, praying for the emancipation of a certain mulatto Slave, called James Hostler, reported unfavorably to the prayer of the petitioner ; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Baker presented the petition of sundry citizens of the county of Yancy, praying the Legislature to repeal an act, entitled an act, making compensation to Jurors in Yancy county, passed in the year 1835, accompanied by a bill to carry their prayer into effect, to wit :

A bill, entitled a bill to repeal an act making compensation to Jurors in Yancy county.

Which was read the first time and passed ; and, on motion of Mr. Baker, ordered to lie on the table.

Received from the House of Commons a message, in-

forming the Senate, that Messrs. Boon, Graham, J. F. Lee, Courts, and Guthrie, form their branch of the joint select Committee raised to enquire into the expediency of erecting a Penitentiary.

Received from the House of Commons the following resignations, to wit :

Francis McGee, as Lieutenant Colonel of Haywood county Militia ; Isham Swols, a Justice of the Peace for the county of Columbus ; which were accepted.

Received from the House of Commons a message, concurring in the report of the Committee of Conference, on the amendment of the Senate, to the Revised Bill concerning Pilots.

Also, a message, stating that they have rejected the engrossed bill to increase the salary of the Public Treasurer.

Received from the House of Commons a message, informing the Senate that they have passed the following Revised Statutes ; in which they ask the concurrence of the Senate, to wit :

No. 36, on Internal Improvement ; No. 47, concerning Patrol ; No. 51, repeal of Statutes ; No. 52, concerning Incorporated Towns ; No. 53, concerning Slander of Women ; No. 55, Ordinances ; No. 57, concerning Vice and Immorality ; No. 58, Official Bonds ; No. 61, Governor and Council ; No. 71, concerning Fairs ; No. 72, Common Law ; No. 74, concerning Officers ; No. 75, burning of woods ; No. 39, concernig Attorney General and Solicitors. No. 52, No. 55, No. 36, No. 51, No. 58, No. 61, No. 71, No. 72, and No. 75, of the Revised Statutes, were severally read three times and passed, and ordered to be enrolled.

Bill No. 74, of the Revised Statutes, concerning Officers, was read the first and second times and passed. Thereupon, on motion of Mr. Edwards, was referred to the Judiciary Committee.

Bill, No. 53, of the Revised Statutes, concerning the slander of women, was read the first time and passed. The bill was then read the second time. The question re-

curing thereon, Mr. Cooper, of Martin, moved the following amendment, to wit :

By adding the words—"And, moreover, shall be subject to indictment, and, on conviction, shall be fined or imprisoned at the discretion of the Court : *Provided*, nothing herein contained, shall be so construed, as to permit the party slandered, to give evidence, or to prevent the party indicted, from giving the truth in evidence."

Thereupon, on motion of Mr. Carson, the bill and amendment were ordered to lie on the table.

Bill No. 57, of the Revised Statutes, relative to vice and immorality, was read the first and second times and passed ; and, on motion of Mr. Taylor, ordered to lie on the table.

Bill No. 39, of the Revised Statutes, concerning the Attorney General and Solicitors of the State, was read the first time and passed ; and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Mr. Spruill presented the following Resolution, to wit :

Resolved, That so much of the Report of the Adjutant General, as relates to the Public Arms, be referred to the Military Committee.

Bill No. 47, of the Revised Statutes, relative to the Patrol, was read the first and second times and passed. Mr. Montgomery then moved that it lie upon the table ; which was agreed to.

On motion of Mr. Marsteller, the Senate proceeded to consider the bill No. 29, of the Revised Statutes, concerning the President and Vice President ; which was read the third time, and amended by striking out the words, *and Friday*. The bill then passed as amended, and was ordered to be enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Hill and Guthrie, compose the joint select Committee on the part of that House, on the Revenue Laws of the State.

Mr. Morehead moved, that the Senate adjourn until to-morrow morning, 10 o'clock. The question recurring thereon, it was decided in the negative.

Thereupon, Mr. Moseley moved that the Senate adjourn ; which motion was not agreed to.

Whereupon, Mr. Carson moved that the Senate proceed to consider the Revised Statute, No. 53, concerning the slander of women ; which motion did not prevail.

On motion of Mr. Montgomery, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 27, 1836.

Mr. Polk presented a bill, entitled a bill to ensure a fair valuation of land in this State, when the same is given in for taxation ; which was read the first time and passed. Thereupon, on motion of Mr. Polk, was referred to the joint select Committee on the Revenue and Revenue Laws of the State.

Received from the House of Commons a message, informing the Senate, that Messrs. Gilliam, Moore, and Gales, form their branch of the Committee, upon the subject of fitting up the Government House, and furnishing the same.

Received from the House of Commons a message, stating that they have passed the engrossed bill, empowering Courts of Record to change names, with the following amendments, to wit :

After the word *any*, in the sixth line of the first Section, insert *Superior* ; and strike out the words *of Record*, in the same line.

In which, they ask the concurrence of the Senate ; which were read, and not concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of George Williamson, with an amendment ; in which they ask the concurrence of the Senate ; which was read and concurred in.

Received from the House of Commons a message, informing the Senate that they have passed the Revised bills,

No. 88, concerning Gaming ; No. 87, concerning Waste ; No. 67, Courts of Equity ; and No. 18, Revenue ; in which they ask the concurrence of the Senate.

The three first bills were read three times and passed and ordered to be enrolled.

The last named bill, No. 18, concerning the Revenue, was read the first time and passed. Thereupon, on motion of Mr. Polk, was referred to the Committee on the Revenue.

The Speaker announced to the Senate, that Messrs. J. W. Bryan, Hawkins, and Skinner, form our branch of the Committee, upon the subject of fitting up the Government House, and furnishing the same ; and the House of Commons informed thereof by message.

On motion of Mr. Albright, the Senate proceeded to consider the Resolution in favor of the Roanoke Navigation Company ; which was read the second and third times, and passed, and ordered to be engrossed.

On motion of Mr. Moseley, the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State, was read the third time.

Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

On motion of Mr. Taylor, the Senate proceeded to consider the bill of the Revised Statutes, No. 57, concerning vice and immorality ; which was read the third time. Thereupon, he moved the following amendment, to wit :

Strike out the words *one dollar*, at the end of the first Section, and insert the words *five dollars, to be recovered by warrant, in the name of the State, to the use of any person suing for the same.*

The question recurring thereon, it was decided in the negative.

Whereupon, he moved to strike out all of the bill, *except the first Section* ; which amendment was agreed to. The bill then passed its third reading, as amended.

On motion of Mr. Marsteller, the Senate proceeded to consider the engrossed Resolution in favor of Daniel Bry-

son ; which was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Dobson, the Senate proceeded to consider the bill, entitled a bill prescribing the mode of surveying and selling the lands of this State, lately acquired by treaty from the Cherokee Indians ; which was read the third time, and, on motion of Mr. Dobson, sundry amendments were made thereto. The bill then passed as amended, and ordered to be engrossed.

Mr. Joyner moved that a message be sent to the House of Commons, proposing to postpone the election of Councillors of State, to Monday next.

Whereupon, Mr. Marsteller moved that the election of Public Treasurer and Printer, also be postponed to that day. The question recurring thereon, it was decided in the negative.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 28, 1836.

Received from the House of Commons a message proposing a Conference (a Committee of two on the part of each House) on the disagreement between the two Houses, to the amendments proposed by the Senate, to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina ; which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz :

No. 46, to regulate Descents ; No. 49, concerning Cattle, Horses, and Hogs ; No. 50, for the relief of sick and disabled American Seamen ; No. 63, concerning Mills and Millers ; No. 81, concerning lands of deceased Debtors ; No. 89, concerning Processioning ; in which they ask the concurrence of the Senate.

No. 89, concerning Processioning, was read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, informing the Senate, that Messrs. Cornelius Dowd and Daniel W. Courts, are in nomination for Public Treasurer.

Received from the House of Commons a message, stating that they are now ready to proceed to the election of Public Treasurer, as heretofore agreed on; and informing the Senate, that Messrs. Clayton and Hollingsworth, compose their branch of the Committee to superintend said election.

Whereupon, the Speaker announced to the Senate, that Messrs. Moyer and Sanders, form our branch of the Committee, to superintend said election.

The Senate then proceeded to vote as follows, to wit :

Those who voted

FOR DANIEL W. COURTS, ARE :

MESSRS. Baker,	MESSRS. Gudger,
Barnett,	Morehead,
Bryan, of Craven,	Moore,
Carson,	Reid,
Cowper of G. & C.	Reinhardt,
Davidson,	Sanders,
Dobson,	Spruill—14.

Those who voted

FOR CORNELIUS DOWD, ARE :

MESSRS. Albright,	MESSRS. Melchor,
Dockery,	Moyer,
Jones,	McCormick,
Kelly,	Reding—8.

Those who voted

FOR SAMUEL F. PATTERSON, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Maseley,
Bryan of C. & J.	Myers,
Burney,	Williams—7.
Joyner,	

Those who voted

FOR JOHN H. WHEELER, ARE :

Messrs. Arrington,	Messrs. Hussey,
Bunting,	Kerr,
Cooper of M.	Lindsay,
Edwards,	Marsteller,
Exum,	Mebane,
Fox,	Montgomery,
Hall,	Polk,
Hawkins,	Skinner,
Houlder,	Whitaker—18.

Mr. Moye, from the Committee appointed on the part of the Senate, to superintend the election of Public Treasurer of the State, reported that Daniel W. Courts, having received a majority of the whole number of votes given, is declared duly elected. In which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. Houlder presented the resignation of Simon Goodwin, as a Justice of the Peace for the county of Johnston ; which was read and accepted, and sent to the House of Commons.

Mr. Kelly presented a bill, entitled a bill to establish the Bank of North Carolina ; which was read the first time and passed ; and, on motion of Mr. Kelly, ordered to lie upon the table and be printed.

The Speaker announced to the Senate, that Messrs. Edwards and Carson, form the Committee on the part of the Senate, on the disagreement between the two Houses to the amendments proposed by the Senate to the engrossed Resolutions directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina ; and the House of Commons was informed thereof by message.

On motion of Mr. Joyner,

Ordered, That William Moody have leave of absence from the service of this House, from and after to-day, until to-morrow week.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution relative to increasing the salary of Solicitors of this State, reported that the Committee were of opinion, that it was inexpedient to legislate on the subject at the present time; and asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Mr. Polk asked permission to withdraw from the file of the Senate, the papers of Jonathan Wood, of Haywood county; which was granted.

Received from the House of Commons a message, proposing that the order to vote for a Public Printer, this day, be rescinded; which was read and not concurred in.

Whereupon, Mr. Marsteller moved that a message be sent to the House of Commons, informing them, that the Senate do not agree to rescind the order, to vote to-day for Public Printer.

Received from the House of Commons a message, again proposing that the joint order, to vote this day for Public Printer, be rescinded; which was read and concurred in; and the House of Commons informed thereof by message.

Bill No. 81, concerning lands of deceased Debtors; No. 50, concerning Seamen; and No. 46, of the Revised Statutes, concerning Descents, were severally read three times and passed, and ordered to be enrolled.

Bill No. 49, of the Revised Statutes, concerning Cattle, Horses, and Hogs, was read the first and second times and passed; and, on motion of Mr. Carson, ordered to lie on the table.

Bill No. 63, of the Revised Statutes, concerning Mills and Millers, was read the first and second times and passed.

Whereupon, Mr. Spruill moved the following amendment thereto, to wit:

In the first Section, and first line, after the word *Mill*, add the words, *or Wind Mill*; which was agreed to.

He further moved to amend the bill, by adding the following as an additional section, to wit:

All keepers of Public Mills shall be exempt from working on Roads, or serving on Juries.

The question recurring thereon, it was decided in the affirmative. The bill was then read the third time, as amended, and passed and ordered to be enrolled.

On motion of Mr. Cooper of Martin, the Senate proceeded to consider the bill, No. 53, of the Revised Statutes, concerning the slander of Women; which was read the second time, and passed, and, on his motion, ordered to lie on the table.

Received from the House of Commons, a message stating, that James Watt of Rockingham, Francis L. Dancy of Edgecomb, and Archibald H. Davis of Franklin, are added to the nomination for Councillors of State; and Samuel McCombs, Daniel Turner and John Haywood, are withdrawn from the nomination.

Also, informing the Senate, that Messrs. Hutchison and Gales, form their branch of the Committee, to superintend said election; and that the House of Commons are now ready to proceed in the election of Councillors of State, in pursuance of the joint agreement of the two Houses.

Whereupon, the Speaker announced to the Senate, that Messrs. William W. Cowper and Alfred Dockery, compose our branch of the Committee, to superintend said election.

Thereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. BUSBEE, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Joyner,
Albright,	Jones,
Barnett,	Kelly,
Bryan, of C. & J.	Melchor,
Burney,	Montgomery,
Carson,	Morehead,
Davidson,	Moye,
Dockery,	Moore,
Gudger,	Myers,

Polk,
Reding,
Skinner,

Spruill,
Taylor,
Williams—24.

Those who voted

FOR MR. ALFRED JONES, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Montgomery,
Albright,	Moye,
Barnett,	Morehead,
Bryan of C. & J.	Moore,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams,
Melchor,	Whitaker—26.

Those who voted

FOR MR. JOHNSTON, ARE :

MESSRS. Waddell, (Speaker,)	MESSRS. Melchor,
Albright,	Montgomery,
Barnett,	Moye,
Bryan, of C. & J.	Morehead,
Burney,	Moore,
Carson,	Myers,
Davidson,	Reding,
Dockery,	Skinner,
Gudger,	Spruill,
Joyner,	Taylor,
Jones,	Williams—23.
Kelly,	

Those who voted

FOR MR. PERRY, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Montgomery,
Albright,	Moye,
Bryan, of C. & J.	Morehead,
Burney,	Moore,

Barnett,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams—25.
Melchor,	

Those who voted

FOR MR. McREE, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Melchor,
Albright,	Montgomery,
Barnett,	Moye,
Bryan of C. & J.	Moore,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams—24.

Those who voted

FOR MR. WATT, ARE :

MESSRS. Arrington,	MESSRS. Hussey
Baker,	Kerr,
Bryan, of Craven,	Lindsay,
Bunting,	Marsteller,
Cooper, of G. & C.	Mebane,
Cooper of Martin,	Moseley,
Dobson,	Morehead,
Edwards,	McCormick,
Exum,	Reid,
Fox,	Reinhardt,
Hall,	Sanders,
Hawkins,	Whitaker, 25
Houlder,	

Those who voted

FOR MR. WILLIAMSON, ARE :

MESSRS. Arrington,	MESSRS. Houlder,
Baker,	Hussey,
Bryan of Craven,	Kerr,
Bunting,	Lindsay,
Cowper, of G. & C.	Marsteller,
Cooper, of Martin,	Mebane,
Dobson,	Moseley,
Edwards,	Reid,
Exum,	Reinhardt,
Fox,	Saunders,
Hall,	Whitaker—23.
Hawkins,	

Those who voted

FOR MR. DANCY, ARE :

MESSRS. Arrington,	MESSRS. Hawkins,
Baker,	Houlder,
Bryan, of Craven,	Hussey,
Bunting,	Kerr,
Cowper, of G. & C.	Lindsay,
Cooper, of M.	Marsteller,
Dobson,	Mebane,
Edwards,	Moseley,
Exum,	Reid,
Fox,	Reinhardt,
Hall,	Sanders—22.

Those who voted

FOR MR. ROGERS, ARE :

MESSRS. Arrington,	MESSRS. Houlder,
Baker,	Hussey,
Bryan of Craven,	Kerr,
Bunting,	Lindsay,
Cowper, of G. & C.	Marsteller,
Cooper, of Martin,	Mebane,
Dobson,	Moseley,
Edwards,	Polk,
Exum,	Reid,
Fox,	Reinhardt,
Hall,	Sanders,
Hawkins,	Whitaker—24

Those who voted

FOR MR. DAVIS, ARE :

MESSRS. Arrington;
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

MESSRS. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
Reid,
Reinhardt,
Sanders,
Whitaker—23.

Those who voted

FOR MR. ASHE, ARE :

MESSRS. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

MESSRS. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
Reid,
Reinhardt,
Sanders,
Whitaker—23.

Those who voted

FOR MR. McDIARMID, ARE :

MESSRS. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,

MESSRS. Houlder,
Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
McCormick,
Reid,
Reinhardt,
Sanders,
Whitaker—24.

Those who voted

FOR MR. ELLISON, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Montgomery,
Albright,	Moye,
Barnett,	Morehead,
Bryan of C. & J.	Moore,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Jones,	Spruill,
Joyner,	Taylor,
Kelly,	Williams—25.
Melchor,	

Those who voted

FOR MR. GOODWIN, ARE :

MESSRS. Waddell, (Speaker)	MESSRS. Montgomery,
Albright,	Moye,
Barnett,	Morehead,
Bryan, of C. & J.	Moore,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Gudger,	Skinner,
Joyner,	Spruill,
Jones,	Taylor,
Kelly,	Williams—25.
Melchor,	

Mr. Dockery, from the Committee appointed on the part of the Senate, to superintend the election of Councillors of State, reported that James Watt, George Williamson, Allen Rogers, sen., Archibald H. Davis, and Allen Goodwin, having each received a majority of the whole number of votes given, are duly elected, and that no other person in nomination had received a majority of the votes given ; in which report, the Senate concurred.

On motion of Mr. Taylor, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 29, 1836.

On motion of Mr. Kelly,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to-day, until Monday next.

Received from the House of Commons a message, transmitting to the Senate, a Message from his Excellency, the Governor, with accompanying documents, and proposing that the two Acts of the Legislature of South Carolina, among said documents, be printed; which was read and concurred in, and, on motion of Mr. Edwards, ordered to lie on the table, and be made the Order of the day for Monday next, at 12 o'clock.

Whereupon, he moved that a seat in the Senate be tendered by the Speaker of the House, to Col. Memminger, of South Carolina, Commissioner of that State, appointed by the Governor, to give to the Executive and Legislative Departments of this State, such explanations and information as may be required, on the day the subject is taken up for consideration, and that the Senate will hear any explanation he may have to make on the subject of his mission.

Received from the House of Commons a message, informing the Senate, that Messrs. J. W. Guinn and Smith, form their branch of the Committee of Conference, upon the disagreement existing between the two Houses, on the amendments proposed by the Commons to the engrossed Resolution authorizing the Treasurer to receive certain Bank Notes in payment for Cherokee Lands.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to incorporate the Roanoke Valley Rail Road Company, in which they ask the concurrence of the Senate; which bill was read the first time and passed, and, on motion of Mr. J. W. Bryan, referred to the Committee on Internal Improvements.

Mr. Montgomery, from the Committee on Propositions and Grievances, to whom was referred the petition of a number of the citizens of Burke county, praying the Legis-

lature to repeal an act of the General Assembly, passed at the session of 1833-4, appointing Commissioners to lay off and lay out a road from Morganton, in Burke county, to Burnsville, in Yancy county, reported, that it is inexpedient to legislate on the subject, as the County Courts have full power to lay off, open out, or change, any or all the roads in their respective counties, and asked to be discharged from the further consideration of the subject; in which the Senate concurred.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill to amend an act, for the more uniform and convenient administration of justice within this State, with sundry amendments; in which they ask the concurrence of the Senate; which was read, and, on motion of Mr. Edwards, ordered to lie on the table.

Received from the House of Commons the following resignations, to wit:

Nasa Farrow, a Justice of the Peace for the county of Hyde; Wm. E. Bellamy, a Justice of the Peace for the county of Edgecomb; which were read and accepted.

Received from the House of Commons a message, proposing that the two Houses adjourn *sine die*, on Monday the 16th day of January next; which was read, and, on motion of Mr. Edwards, ordered to lie on the table.

Whereupon, Mr. Edwards moved that a message be sent to the House of Commons, proposing that the two Houses adjourn *sine die*, on Monday the 9th day of January next. The question recurring thereon, it was decided in the affirmative:

Mr. Sanders demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Cowper of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Gudge, Hall, Hussey, Kerr, Lindsay, Marsteller, Moseley, Moye, Morehead, Reid, Reding, Reinhardt, Sanders, Skinner, and Williams—24.

Those who voted in the negative, are:

Messrs. Albright, Arrington, Barnett, Burney, Carson, Davidson, Dobson,

Dockery, Hawkins, Joyner, Jones, Kelly, Mebane, Melchor, Montgomery, Moore, McCormick, Polk, Spruill, Taylor, and Whitaker—21.

Received from the House of Commons a message, proposing that the two Houses vote immediately for two Councillors of State, yet to be elected. Also, informing the Senate, that Johnston Busbee, A. C. McRee, Willie Perry, and James Ellison, are withdrawn from the nomination; which was read. Thereupon, Mr. Taylor moved that it lie on the table. The question recurring thereon, it was decided in the affirmative, by the casting vote of the Speaker.

Mr. Marsteller demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:

MESSRS. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Joyner, Jones, Kelly, Melchor, Montgomery, Moyer, Morehead, Moore, Reding, Skinner, Spruill, Taylor, and Williams—21.

Those who voted in the negative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hussey, Kerr, Lindsay, Marsteller, Mebane, McCormick, Reid, Reinhardt, Sanders, and Whitaker—21.

Mr. Moseley moved that the Committee on the Revenue and Revenue Laws of the State, have leave of absence from the service of the House to-day, for the purpose of attending to the duties of that Committee; which was granted.

On motion of Mr. Montgomery, the Senate proceeded to consider the bill No. 4, of the Revised Statutes, concerning the Patrol. Thereupon, he offered an amendment as an entire substitute for the bill. He then moved that the bill and amendment be referred to the Judiciary Committee; which was agreed to.

On motion of Mr. Edwards, the Senate proceeded to consider the Resolutions relative to the modification of the existing Tariff Law, heretofore introduced by him.

Thereupon, on motion of Mr. Kelly, the Senate resolved itself into a Committee of the whole, Mr. Joyner being called to the Chair. The Resolutions were read,

Whereupon, Mr. J. W. Bryan moved to strike out all the Resolutions, after the word *Resolved*, and offered the Resolutions, introduced by him on Thursday the 15th instant, as a substitute therefor.

The Senate having spent some time therein, pending the question, Mr. Montgomery moved that the Committee rise, report progress, and ask leave to sit again; which motion prevailed.

On motion of Mr. Morehead, the Senate adjourned until three o'clock, P. M.

THREE o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised Statutes, to-wit:

No. 56, concerning the University; No. 70, concerning Commissioners of Affidavits; No. 82, concerning Auctions and Auctioneers; No. 83, concerning Clerks of the County and Superior Courts;—in which they ask the concurrence of the Senate.

Bills, No. 82 of the Revised Statutes, concerning Auctions and Auctioneers; No. 70 of the Revised Statutes, concerning Commissioners of Affidavits; No. 56, concerning the University of North Carolina; No. 83, concerning the Clerks of the County and Superior Courts—were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Cooper, of Martin, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 30, 1836.

Mr. Moyer presented the following Preamble and Resolution, viz:

Whereas, it is believed, by the existing laws of the State,

no payment whatever is allowed to the several Sheriffs, for holding elections and making return thereof, for Governor of the State: For remedy whereof,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of providing by law, payment to the several Sheriffs of the State, for holding said election and making return thereof; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Lindsay presented the resignation of Samuel Sal-year, a Justice of the Peace for the county of Currituck—which was read and accepted, and sent to the House of Commons.

Mr. Morehead presented a bill, entitled a bill to incorporate the Caldwell Institute, in the town of Greensboro', North Carolina; which was read the first time and passed, and, on his motion, referred to the Committee on Private Bills.

Mr. Carson presented a bill, entitled a bill to confer Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions; which was read the first time and passed, and, on motion of Mr. Carson, made the Order of the day for Monday next.

Received from the House of Commons a message, proposing that the two Houses vote to-day, at 12 o'clock, for two Councillors of State, and informing the Senate, that Archibald McDiarmid is withdrawn from the nomination; which was read. Thereupon, Mr. McCormick moved that it lie on the table—which was not agreed to.

The question then recurring on agreeing to the proposition, it was decided in the negative.

The Senate proceeded to consider the amendments proposed by the House of Commons to the engrossed bill, entitled a bill to amend an act for the more uniform and convenient administration of justice within this State.

Mr. Melchor moved an amendment to the amendment, altering the time of holding said Courts; which was rejected.

The several amendments were then read and concurred in.

Mr. Spruill demanding the Yeas and Nays on the amendment fixing the salary of the Judges of the Superior Courts of Law and Equity in this State, at nineteen hundred and fifty dollars, were as follows, viz:

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan of Craven, Bryan of Carteret and Jones, Bunting, Burney, Carson, Davidson, Dobson, Dockery, Edwards, Fox, Gudger, Hall, Hargrave, Hawkins, Joyner, Jones, Kerr, Kelly, Marsteller, Mebane, Moseley, Morehead, Moore, Polk, Reinhardt, Skinner and Williams—29.

Those who voted in the negative, are :

MESSRS. Arrington, Barnett, Cowper of Gates and Chowan, Cooper of Martin, Exum, Houlder, Lindsay, Melchor, Montgomery, Moye, McCormick, Reid, Reding, Sanders, Spruill, Taylor and Whitaker—17.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the Whole, on the unfinished business of yesterday, Mr. Joyner in the Chair.

The Senate having made considerable progress therein, pending the question, Mr. Taylor moved the Committee rise, report progress, and ask leave to sit again ; which was agreed to.

Mr. Kelly moved that a message be sent to the House of Commons, proposing that a joint select Committee of two on the part of each House, be raised, to enquire and ascertain if more Engrossing Clerks than are already employed, are necessary to keep up the business of the Legislature, and if so, that the Clerks be authorized and empowered to employ one or more assistants ; which was agreed to.

On motion of Mr. Moseley, the Senate adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Received from the House of Commons a message, stating that they insist upon their amendment to the engrossed bill empowering Courts of Record to change names ; which was read. Thereupon, the Senate receded from their disagreement.

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the Revised bill No. 57, for the more effectual suppression of Vice and Immorality; which was read.— Thereupon, the Senate receded from their amendments.

The bill was then ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 43, concerning Attachment; No. 48, concerning Legacies, &c.; No. 77, Principal and Surety; No. 85, concerning Sheriffs; No. 86, Limitation; No. 60, Oaths; No. 54, concerning Charities; in which they ask the concurrence of the Senate.

Bills No. 43, No. 48, No. 54, and No. 77, were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have concurred in the report of the Committee of Conference, upon the proposed amendmenst to the engrossed Resolution, directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina, and transmitting it to the Senate, and asking its concurrence; which was read and concurred in. The bill was then ordered to be enrolled.

On motion of Mr. Marsteller, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 31, 1836.

Mr. Polk, from the Military Committee, to whom was referred the Memorial of the commissioned Officers of the North Regiment of Stokes county Militia, praying a division of said North Regiment, reported unfavorably to the prayer of the Memorialists; and asked to be discharged from the further consideration of the subject.

The Committee was discharged accordingly.

Mr. Polk, from the joint select Committee on the Rev-

enue and Revenue Laws of the State, to whom was referred No. 18 of the Revised Code, concerning the Revenue of the State, reported the same bill, with an amendment; which was read and concurred in. The bill was then read the second time, as amended, and passed; and, on motion of Mr. Morehead, ordered to lie on the table.

Mr. Moore presented the following Resolution, to wit:

Resolved, That the joint select Committee, raised on the subject of a Penitentiary, be instructed to enquire and report also, as to the expediency of constructing one, or more Lunatic Asylums, in this State.

Which was read and adopted.

Received from the House of Commons the resignations of the following Field Officers, and Justices of the Peace, to wit:

David Ramsay, as Colonel of the 1st Regiment of Iredell county Militia; Isaac McCurdy, as Lieutenant Colonel of the 2d Regiment of the Iredell county Militia; Samuel Wilson, as Major of the 69th Regiment of North Carolina Militia; Wilson D. Webb, as a Justice of the Peace for the county of Franklin; which were severally read and accepted.

The Speaker presented to the Senate, the resignation of Henry L. Sweeny, as first Colonel of the 50th Regiment, 16th Brigade, and 3d Division of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, transmitting to the Senate, a message from his Excellency, the Governor, proposing to print it, together with the letter from C. G. Memminger, Esq. special agent from South Carolina, and asking the concurrence of the Senate thereto; which was read and agreed to.

Received from the House of Commons a message, concurring in the first and second amendments proposed by the Senate to the Revised bill No. 63, concerning Mills and Millers, with an additional amendment—After *Wind-Mill*, insert *Steam Grist Mill*. In which amendment, the Senate do not concur.

Received from the House of Commons a message, stating that they have passed the following Revised Bills, viz :

No. 59, concerning Apprentices ; No. 62, Rivers and Creeks ; No. 76, Seat of Government, and Public Buildings ; No. 78, Literary Fund ; in which they ask the concurrence of the Senate.

Bills No. 76, of the Revised Statutes, concerning the seat of Government and Public Buildings, was read the first, second, and third times and passed, and ordered to be enrolled.

No. 78, concerning the Literary Fund, was read the first and second times and passed.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the bill, entitled a bill to incorporate the North Carolina Central Rail Road Company, reported the same bill with sundry amendments. The bill was then read the second and third times and passed, as amended, and ordered to be engrossed.

Mr. J. W. Bryan, from the joint select Committee, appointed on the part of the Senate, to wait upon his Excellency, the Governor elect, reported that the Committee had waited upon his Excellency, and that he would attend in the Commons Hall to-day, at 12 o'clock, accompanied by the Judges of the Supreme Court ; and that the Chief Justice would administer the Oaths of Office to him ; in which report, the Senate concurred.

Received from the House of Commons a message, informing the Senate, that they are now ready to receive the Senate in their Hall, for the purpose of witnessing the qualification of the Governor elect.

Whereupon, on motion of Mr. Moseley, the Senate repaired to the Commons Hall.

On motion of Mr. Marsteller, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 2, 1837.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing the Judiciary Committee to enquire into the expediency of restoring any person convicted of an infamous crime, to the rights of citizenship, reported a bill, entitled a bill to restore any person convicted of any infamous crime, to the rights of citizenship; and asked to be discharged from the further consideration of the subject. It was accordingly discharged. The bill was then read the first time and passed.

Mr. J. W. Bryan, from the same Committee, to whom was referred the bill, No. 74, of the Revised Statutes, concerning Offices, reported the same without amendment; and asked to be discharged from its further consideration. It was discharged accordingly.

The bill was then read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate, to the engrossed bill to incorporate the Rockfish Manufacturing Company of Fayetteville.

Ordered, That said bill be enrolled.

Mr. Moseley moved that a message be sent to the House of Commons, proposing to vote to-day, at 11 o'clock, for a Judge of the Superior Courts of Law and Equity, for the seventh Judicial Circuit; and nominating for the office, Richmond M. Pearson. The question recurring thereon, it was decided in the negative.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit:

A bill to amend an act to incorporate the Franklin Turnpike Company; also, a bill concerning the Superior Courts of Law and Equity in and for the counties of Moore, Montgomery, and Anson. In which, they ask the concurrence of the Senate.

The two above named bills were read the first, second, and third times, passed, and ordered to be enrolled.

On motion of Mr. Dobson,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election of a Judge for the seventh Judicial Circuit, to-morrow, at 11 o'clock ; and informing that House, that Richmond M. Pearson is in nomination for the office. Also, proposing to vote for a Solicitor for said Circuit, at 12 o'clock to-morrow, and informing that House, that James W. Guinn is in nomination for that appointment.

Received from the House of Commons a message, proposing that a joint select Committee of five, on the part of each House, from the first Judicial Circuit, be raised to enquire into the expediency of altering the time of holding the Superior and County Courts in that Circuit ; and that they have leave to report by bill or otherwise.

Which was read and concurred in.

The Senate proceeded to consider Bill No. 59, of the Revised Statutes, concerning Apprentices ; and bill No. 62, of the Revised Statutes, concerning Rivers and Creeks ; which were read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election, on to-morrow, at 11 o'clock, for a Judge, and at 12, for a Solicitor for the seventh Judicial Circuit ; and informing the Senate, that the name of Thomas P. Deveaux is added to the nomination for Judge.

Received from the House of Commons a message, proposing that the two Houses of the General Assembly vote for a Judge of the Superior Courts of Law and Equity, to-morrow, at 12 o'clock ; and informing the Senate, that Richmond M. Pearson is in nomination for the office ; which was read, and, on motion of Mr. Moseley, ordered to lie on the table.

On motion of Mr. Joyner, the Senate proceeded to consider the engrossed bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company ; which was read the third time.

Thereupon, Mr. J. W. Bryan moved the following amendment thereto, as an additional Section, to wit :

Be it further enacted, That if the North Carolina Central Rail Road Company, shall determine in favor of constructing their Rail Road from or near the Harbor of Beaufort, to intersect and unite with the Rail Road authorised to be constructed by this act, it shall be the duty of the said Fayetteville and Western Rail Road Company, to give a preference in the transportation of all produce and other commodities brought to their Rail Road, by the North Carolina Central Rail Road so as to occasion no delay thereof. And if the said Company shall refuse or neglect to transport the said produce and other commodities, as required by this Section, the said Company shall be liable to the person or persons aggrieved, for any damage or injury which may result from such refusal or neglect, to be recovered before any Court of Record, having cognizance thereof.

The question recurring thereon, the amendment was adopted. The bill then passed as amended, and ordered to be enrolled.

Mr. Marsteller presented to the Senate, a communication from Owen Holmes, Esq. declining to accept the office of Judge of the Superior Courts of Law and Equity of this State, conferred upon him the present session; which was read, and ordered to be transmitted to the House of Commons.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a bill, entitled a bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land in this State, reported the same with a proposition that the whole thereof be stricken out, except the enacting clause, and an amendment, which he had been instructed to report by the Committee, be inserted in lieu thereof.

The question recurring thereon, it was decided in the affirmative.

The bill was then read the third time, as amended, and passed, and ordered to be engrossed.

The Senate proceeded to consider the Revised bill No. 85, concerning Sheriffs; which was read the first and second times and passed.

Thereupon, Mr. J. W. Bryan moved the following amendments, to wit:

In the eighth section and eighth line, after the word "majority," insert "or twelve." In the tenth section, after the word "majority," insert "or twelve; and in the thirteenth section, insert "or twelve."

Which several amendments were agreed to.

The bill was then read the third time as amended, and passed, and ordered to be enrolled.

The hour of twelve o'clock having arrived, the Senate, on motion of Mr. Edwards, proceeded to consider the Order of the day.

Messrs. Edwards and James W. Bryan were appointed a Committee to wait on the Hon. Mr. Memminger, Commissioner from the State of South Carolina, and invite him to the seat prepared for him in the Senate Chamber.

Whereupon, the bill, entitled a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, was read the second time—When, Mr. Memminger rose and addressed the Senate at considerable length, in support of the measure, and in explanation of the objects of his mission.

After he concluded his remarks, the Senate, on motion of Mr. Cooper, of Martin, adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

The Senate proceeded to consider Bill, No. 60, of the Revised Statutes, concerning Oaths; which was read three times, passed, and ordered to be enrolled.

Bill, No. 86, concerning Limitations, was read the first and second times, passed, and, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider Bill, No. 39, concerning Attorney General and

Solicitors ; which was read the second time. Thereupon, he moved the following amendment, to wit :

In the second Section, and second line, strike out the word *five*, and insert in lieu thereof, the word *six*.

Which amendment was agreed to.

The bill was then read the third time, as amended, and passed, and ordered to be enrolled.

On motion of Mr. Marsteller, the Senate proceeded to consider Bill, No. 49, concerning Cattle, Horses, and Hogs ; which was read the third time, passed, and ordered to be enrolled.

Also, the Bill, No. 78, of the Revised Statutes, concerning the Literary Fund ; which was read the third time. Thereupon, Mr. Kelly moved that it lie on the table ; which was agreed to.

On motion of Mr. Marsteller, the Senate proceeded to consider Bill, No. 53, of the Revised Statutes, concerning the slander of women ; which was read the third time.

Thereupon, Mr. Cooper, of Martin, offered the following amendment thereto, at the end of the bill, to wit :

“And shall, moreover, be subject to indictment in the County or Superior Court ; and upon conviction, the Defendant or Defendants shall be fined or imprisoned at the discretion of the Court : *Provided, always,* That the truth of the words alleged in the indictment, may be given in evidence ; and if established to the satisfaction of the Jury, shall constitute a good and sufficient defence—any law to the contrary, notwithstanding.

“*And provided further,* That the woman or women, of whom the words may be alleged to have been spoken, shall, in no case, be a witness on the trial of such indictment.”

The question recurring thereon, it was decided in the negative.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Exam, Fox, Kerr, Lindsay, Marsteller, Mebane, Sanders, and Whitaker—11.

Those who voted in the negative, are:

MESSRS. Albright, Barnett, Carson, Dobson, Dockery, Gudger, Jones, Kelly, Melchor, Moore, McCormick, Myers, Reid, Reding, Reinhardt, Skinner, Taylor and Williams—20.

The bill then passed, and was ordered to be enrolled.

On motion of Mr. Dobson, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 3, 1837.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Bill, No. 49, of the Revised Code, concerning the Patrol, reported the bill and amendment to the Senate; and asked to be discharged from the further consideration of the subject.

Thereupon, Mr. J. W. Bryan moved that said bill lie on the table; which was agreed to.

Mr. Dobson presented the following Resolution, to wit:

Resolved, That the Public Treasurer pay to the widow of the late William Gilliam, of Surry county, or to Wm. P. Dobson, her agent, the sum of seven dollars and eighty-four cents; the same having been allowed her by Resolution of the last session, and by mistake, omitted to be paid her.

Which was read three time, passed, and ordered to be engrossed.

Mr. J. W. Bryan presented the following Resolution, to wit:

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of repealing the proviso, contained in the tenth section of an act, entitled an act, supplemental to an act concerning the Supreme Court, passed in the year 1818, Chapter 963.

Which was read and adopted.

Mr. McCormick presented a bill, entitled a bill authorising the Court of Pleas and Quarter Sessions of Cum-

berland county, to lay off the Public Roads in said county, into Districts, and for other purposes ; which was read the first time, passed, and referred to the Committee on Private Bills.

Received from the House of Commons, the following resignations of Field Officers, to wit :

William R. White, as Colonel Commandant of the 38th Regiment of North Carolina Militia, and 2d Regiment of Granville county ; Elias S. Jenkins, as Lieutenant Colonel of the 38th Regiment of North Carolina Militia, and 2d Regiment of Granville county ; which were read and accepted.

Mr. Carson presented a bill, entitled a bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company ; which was read the first and second times and passed, and, on his motion, ordered to lie on the table.

Received from the House of Commons the resignation of the following Justice of the Peace, to wit : James Biggs, as a Justice of the Peace, for the county of Edgecomb ; which was read and accepted.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote this day, at 1 o'clock, for two Councillors of State, yet to be elected ; and informing that House, that William S. Ashe, of New Hanover, and Francis L. Dancy, of Edgecomb, are in nomination.

Mr. Spruill presented a bill, entitled a bill concerning the Public Arms, now in the Arsenals in Raleigh and Fayetteville ; which was read the first time and passed.

Received from the House of Commons a message, informing the Senate that Messrs. Hutchison and Braswell, form their branch of the Committee, to enquire into the necessity of appointing one or more additional Engrossing Clerks. Whereupon, the Speaker announced to the Senate, that Messrs. Marsteller and Melchor, form our branch of said Committee ; and the House of Commons was informed thereof by message.

The Senate proceeded to consider the bill, entitled a bill to restore any person convicted of an infamous crime to the rights of citizenship; which was read the second and third times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they recede from their amendment to the first amendment proposed by the Senate, to the Revised Bill, No. 63, and concur in the Senate's amendment. Ordered that said bill be enrolled.

Received from the House of Commons a message, transmitting to the Senate, the Message of his Excellency, the Governor, with the Report of the Treasurer of the University, which they propose shall be printed; which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. Chambers, Clement, Flemming, and Henry, form their branch of the Committee on enrolled bills this week.

Whereupon, the Speaker announced to the Senate, that Messrs. Moore and Reid, compose our branch of the Committee on enrolled bills the present week.

The Senate proceeded to consider the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the third time. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Received from the House of Commons a message, stating that Messrs. Cansler and Rayner, form their Committee, to superintend the vote for Judge. On the return of the messenger, the Commons will proceed to vote.

Whereupon, the Speaker announced to the Senate, that Messrs. Mebane and Davidson, form our branch of said Committee to superintend said election.

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR MR. DEVEREUX, ARE:

MESSRS. Waddell, (Speaker) MESSRS. Carson,
Bryan of C. & J. Hargrave,

Joyner,
Jones,
Kelly,
Lindsay,
Mebane,

Myers,
Skinner,
Williams,
Whitaker—13.

Those who voted

FOR MR. PEARSON, ARE:

MESSRS. Arrington,
Albright,
Baker,
Barnett,
Bryan, of Craven,
Bunting,
Burney,
Cooper, of M.
Davidson,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Houlder,

MESSRS. Marsteller,
Melchor,
Moseley,
Moye,
Morehead,
Moore,
McCormick,
Polk,
Reid,
Reding,
Reinhardt,
Sanders,
Spruill,
Taylor—29.

Mr. Cowper, of Gates and Chowan, voted for John L. Bailey; Messrs. Dockery and Gudger, for David L. Swain; Mr. Hawkins, for John D. Toomer; and Mr. Kerr, for James T. Morehead.

Mr. Mebane, from the Committee appointed to superintend the vote for Judge of the Superior Courts of Law and Equity, for the seventh Judicial Circuit, reported that Richmond M. Pearson, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred. Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the Message of his Excellency the Governor, and the accompanying documents, transmitted to the Senate, be printed; which was read and concurred in.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill

to amend an act passed in 1830, Chapter 31, entitled an act to authorize the appointment of Commissioners to take the acknowledgement and proof of deeds, &c.

On motion of Mr. Moseley, the Senate proceeded to consider the bill, entitled a bill to repeal an act making compensation to Jurors in Yancy county; which was read the second time and passed. Thereupon, Mr. Baker moved to strike out all the bill but the enacting clause, and insert an amendment which he proposed. The question recurring thereon, it was decided in the affirmative. The bill was then read the third time as amended, passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Wm. S. Ashe is withdrawn from the nomination for Councillors of State, and that Archibald McDiarmid is added to the nomination.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to vote this day, at 1 o'clock, for two Councillors of State.

Received from the House of Commons the resignation of P. W. Kittrell, as Trustee of the University of North-Carolina; which was read and accepted.

Received from the House of Commons a message, stating that Messrs. Rand and Howard compose their branch of the Committee to superintend the election of a Solicitor for the seventh Judicial Circuit—and that the Commons would proceed to vote on the return of the messenger.

Whereupon, the Speaker announced that Messrs. McCormick and Barnett are appointed a Committee on the part of the Senate to superintend the vote for Solicitor of the seventh Judicial Circuit.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. GUINN, ARE:

MESSRS. Arrington,

Baker,

Bryan, of Craven,

MESSRS. Bunting,

Cowper, of G. & C.

Cooper, of M.

Dobson,	Mebane,
Edwards,	Moseley,
Exum,	Morehead,
Fox,	Moore,
Gudger,	McCormick,
Hall,	Reid,
Houlder,	Reding,
Hussey,	Reinhardt,
Kerr	Sanders,
Lindsay,	Taylor,
Marsteller,	Whitaker—28.

Those who voted

FOR MR. GAITHER, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Joyner,
Albright,	Jones,
Barnett,	Kelly,
Bryan, of C. & J.	Melchor,
Burney,	Moye,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Skinner,
Hargrave,	Spruill,
Hawkins,	Williams—20.

Mr. McCormick, from the Committee appointed to superintend the vote for Solicitor for the 7th Judicial Circuit, reported that James W. Guinn, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to confer Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company; which passed its second reading, and, on his motion, was made the Order of the day for Thursday next.

Whereupon, on motion of Mr. Kelly, the bill, entitled a bill to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, was also made the Order of the day, for that day.

Mr. Edwards moved that the Resolutions relative to the existing Tariff Law, heretofore introduced by him, be taken up for consideration, and that the Senate resolve itself into a Committee of the Whole ; which proposition did not prevail.

Thereupon, Mr. Hall moved that the Committee of the Whole be discharged from the further consideration of the subject. The question recurring thereon, it was decided in the affirmative, and the Committee discharged accordingly.

Mr. Hargrave then moved that the whole subject be laid on the table ; which was agreed to.

On motion of Mr. Moore,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote for a Judge yet to be elected, to-morrow, at eleven o'clock, and nominating for the office Edward Hall, of Warren ; and, on motion of Mr. Spruill, Robert R. Heath was added to the nomination.

Received from the House of Commons a message, proposing that the two Houses vote to-morrow, at 11 o'clock, for a Judge to fill the vacancy now existing ; which was read and concurred in.

Mr. Kelly moved that a message be sent to the House of Commons, informing it that the name of John D. Toomer is added to the nomination for Judge.

Received from the House of Commons a message, stating that Messrs. Henry and Kenan are the Committee on the part of the Commons to superintend the vote for Councillors, and that they will vote on the return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Fox and Hargrave are appointed the Committee to superintend said election.

The Senate then proceeded to vote as follows, viz:

Those who voted

FOR MR. McDIARMID, ARE.

MESSRS. Baker,

Bryan, of Craven,

Cooper, of Martin,

MESSRS. Cowper, of G. & C

Dobson,

Edwards,

Exum,
Fox,
Hall,
Hawkins,
Houlder,
Lindsay,

Moseley,
McCormick,
Reid,
Reinhardt,
Sanders,
Whitaker—18.

Those who voted

FOR MR. DANCY, ARE:

MESSRS. Arrington,
Baker,
Bryan, of Craven,
Bunting,
Cowper, of G. & C.
Cooper, of Martin,
Dobson,
Edwards,
Exum,
Fox,
Hall,
Hawkins,
Houlder,

MESSRS. Hussey,
Kerr,
Lindsay,
Marsteller,
Mebane,
Moseley,
McCormick,
Polk,
Reid,
Reinhardt,
Sanders,
Skinner,
Whitaker—26.

Those who voted

FOR MR. JOHNSTON, ARE:

MESSRS. Waddell, (Speaker)
Albright,
Barnett,
Bryan, of C. & J.
Burney,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joyner,
Jones,

MESSRS. Kelly,
Mebane,
Melchor,
Moye,
Morehead,
Moore,
Myers,
Reding,
Skinner,
Spruill,
Taylor,
Williams—24.

Those who voted

FOR MR. JONES, ARE:

MESSRS. Waddell, (Speaker)
Albright,

MESSRS. Arrington,
Barrett,

Bryan, of C. & J.
Bunting,
Burney,
Carson,
Davidson,
Dockery,
Gudger,
Hargrave,
Joyner,
Jones,
Kelly,

Melchor,
Moye,
Morehead,
Moore,
Myers,
Polk,
Reding,
Spruill,
Taylor,
Williams—25.

Those who voted

FOR MR. ASHE, ARE:

MESSRS. Hussey, Kerr, and Marsteller—3.

Received from the House of Commons a message, informing the Senate, that John D. Toomer is in nomination for Judge.

The Speaker announced to the Senate, that Messrs. Spruill, Mebane, Lindsay, Skinner, and Cowper, of Gates and Chowan, compose the Committee on the subject of altering the times of holding the County and Superior Courts of the first Judicial District; and the House of Commons was informed thereof by message.

On motion of Mr. Morehead, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 4, 1837.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to postpone the election of Judge to Friday next, at 12 o'clock.

Mr. Fox, from the Committee appointed on the part of the Senate, to superintend the election of two Councillors, reported that Francis L. Dancy, and Charles E. Johnston, having each received a majority of the whole number of votes given, are duly elected. In which report the Senate

concurred, and the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, stating that Messrs. Granberry, Stallings, Rayner, Davenport, and Hoskins, form their branch of the Committee, to enquire into the expediency of altering the times of holding the Courts in the first Judicial Circuit.

Received from the House of Commons a message, proposing to the Senate, that the two Houses of the General Assembly adjourn *sine die*, on Saturday the 14th instant; which was read and concurred in.

Received from the House of Commons a message, concurring in the proposition of the Senate, to rescind the order to vote for Judge this day, and agree to vote for that Officer, at 12 o'clock on Friday next; and stating that Thomas P. Devereux, and James T. Morehead, are in nomination for the office.

On motion of Mr. Kelly, the Senate proceeded to consider the bill, entitled a bill to lay off and establish a county by the name of Gaston; which was read the second time. The question recurring thereon, it was decided in the negative. So the bill was rejected.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote this day, at 12 o'clock, for Secretary of State; and informing that House that Wm. Hill is in nomination for the appointment.

The Senate proceeded to consider the bill, entitled a bill concerning the Public Arms, now in the Arsenal in Raleigh and Fayetteville; which was read the second and third times, passed, and ordered to be engrossed.

Mr. Sanders presented a bill, entitled a bill concerning special Magistrates in this State; which was read the first, second, and third times, passed, and ordered to be engrossed.

On motion of Mr. Polk, the Senate proceeded to consider the bill, entitled a bill making an appropriation for carrying on and completing the Capitol of the State; which was read the third time.

Thereupon, Mr. Polk moved to strike out the words *seventy-five*, and insert in lieu thereof, the words *one hundred and twenty*; which was agreed to.

Mr. Edwards then moved to add, after the word *completing*, the words, *and finishing*; which was also agreed to.

The bill then passed, as amended, and was ordered to be engrossed.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity in the Newbern Judicial District; which was read the third time.

Thereupon, Mr. Hussey moved that the further consideration of the bill be postponed until the third Monday of November, 1838. The question recurring thereon, it was decided in the affirmative.

Mr. Hussey demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Burney, Cooper, of Martin, Dobson, Exum, Fox, Gudger, Hall, Hargrave, Houlder, Hussey, Jones, Kerr, Lindsay, Marsteller, Melchor, Moseley, Moye, McCormick, Reid, Reinhardt, Skinner, Spruill, Williams and Whitaker—29.

Those who voted in the negative, are:

MESSRS. Bryan, of Carteret and Jones, Carson, Davidson, Dockery, Edwards, Hawkins, Joyner, Kelly, Moore, Myers, Polk, Reding, Sanders, and Taylor—14.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 5, 1837.

Mr. Barnett presented the resignation of Thomas Lawson, a Justice of the Peace for the county of Person; which was read and accepted, and sent to the House of Commons.

Mr. Mebane presented the following Preamble and Resolutions, to wit :

Whereas, The Senate has learnt, with deep regret, the death of George W. Montgomery, Senator from the county of Hertford :

Be it therefore Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a joint select Committee of four, from each House, whose duty it shall be to superintend the funeral ceremonies.

Resolved, That in testimony of the high respect which this body entertains for the virtues of the deceased, they will wear the usual badge of mourning for the space of thirty days.

Which were read and unanimously adopted.

Whereupon, the Speaker announced to the Senate, that Messrs. McBane, J. W. Bryan, Spruill, and Hargrave, form said Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, informing the Senate, that they unanimously concur in the adoption of the Resolutions transmitted this morning from the Senate ; and also informing the Senate, that Messrs. Gales, Rayner, Stallings, and Hoskins, form their branch of the Committee.

Whereupon, on motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 6, 1837.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Memorial of sundry citizens of Hyde county, praying the Legislature to provide some aid, in draining Mattamuskeet Lake, reported unfavorably to the prayer of the Memorialists ; and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Jones presented the following Preamble and Resolutions, to wit :

Whereas, By a Resolution, passed at the session of the General Assembly of 1834, the Public Treasurer is directed to commence suits upon all Cherokee bonds, on which one fourth of the principal and interest due, shall not be paid on or before the first day of December, 1836. *And whereas*, the number and amount of the bonds so required to be put in suit, is matter of great importance to the State :

Be it therefore Resolved, That the Judiciary Committee be instructed to enquire if any, and what amendments to the Revenue Laws are necessary, to secure the faithful collection, and accounting for the monies which may be received on said bonds so put out for collection.

Resolved further, That said Committee also enquire what compensation shall be allowed by the Public Treasurer, to the Agents or Attorneys, who may be employed by him in the collection of the bonds aforesaid, and report by bill or otherwise.

Which were read, and referred to the Committee on the Judiciary.

Received from the House of Commons a message, proposing that the two Houses vote this day, at 11 o'clock, for Solicitor of the 6th Judicial Circuit ; and stating that Thomas Wilson and James R. Dodge, are in nomination.

Mr. Joyner presented a bill, entitled a bill to increase the Capital Stock of the Halifax and Weldon Rail Road Company ; which was read the first, second, and third times, and passed, and ordered to be engrossed.

Mr. Joyner presented a bill, entitled a bill to amend the Charter of the Portsmouth and Roanoke Rail Road Company ; which was read the first time and passed ; and on motion of Mr. Joyner, was referred to the Committee on Internal Improvements.

Received from the House of Commons a message, stating that they have passed the following engrossed bills ; in which they ask the concurrence of the Senate, to wit :

A bill to repeal an act, entitled an act for the better administration of justice in the county of Haywood, passed in the year 1833, Chapter 41, and for other purposes ; which was read the first time and passed, and ordered to lie on the table.

Also, a bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie; which was read the first and second times, passed, and, on motion of Mr. Morehead, ordered to lie on the table.

Also, a bill to alter the time of holding elections in the counties of Halifax, Northampton, and Martin; which was read three times and passed, and ordered to be enrolled.

Also, a Resolution concerning Old Military Land Warrants; which was read three times and passed, and ordered to be enrolled.

Also, a bill to regulate the Courts of Pleas and Quarter Sessions in the county of Ashe; which was read three times and ordered to be enrolled.

A bill concerning the Public printing of the State; which was read three times and passed, and ordered to be enrolled.

Also, a bill to authorize Ebenezer Pettigrew, to build a bridge across Scuppernong river; which was read three times and passed, and ordered to be enrolled.

Mr. Moore, from the Committee on Private Bills, to whom was referred a bill authorising the Courts of Pleas and Quarter Sessions of Cumberland county, to lay off the Public roads in said county into Districts, and for other purposes, reported the same bill to the Senate, and asked to be discharged from its further consideration. The Committee was discharged accordingly. Thereupon, the bill was read three times and passed, and ordered to be engrossed.

Mr. Moore, from the same Committee, to whom was referred a bill to incorporate the Caldwell Institute, in the town of Greensborough, North Carolina, reported the same bill, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly. Thereupon, the bill was read the second and third times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller,

Ordered, That a message be sent to the House of Commons, proposing to vote for Secretary of State, this day at half past 12 o'clock, and stating that William Hill is in nomination for that appointment.

Mr. Taylor presented the following Resolution, to wit :

Resolved, That the Act of Congress, approved the 2d March, 1833, commonly called the Compromise Act, was passed in good faith, and ought to be observed ; and any act on the part of Congress, to disturb its provisions, or frustrate its operation, would be regarded as unjust, and a violation of good faith.

Which was read, and, on motion of Mr. Marsteller, ordered to lie on the table.

Received from the House of Commons, a message stating that Messrs. Hutchison and Williamson, form their branch of the Committee, to superintend the vote for Solicitor of 6th Judicial Circuit. The Commons will proceed to vote on return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Kerr and Reding, form our branch of the Committee, to superintend said election, and the House of Commons was informed thereof by message.

Thereupon, the Senate proceeded to vote as follows to-wit :

Those who voted

FOR THOMAS WILSON, ARE :

MESSRS. Baker,

Bryan, of Craven,

Bunting,

Dobson,

Edwards,

Exum,

Fox,

Hawkins,

Houlder,

Hussey,

MESSRS. Kerr,

Lindsay,

Marsteller,

Mebane,

Moseley,

Reid,

Reinhardt,

Sanders,

Whitaker—19.

Those who voted

FOR JAMES R. DODGE, ARE :

MESSRS. Waddell, (Speaker)

Albright,

Arrington,

Barnett,

Bryan, of C. & J.

MESSRS. Kelly,

Melchor,

Moye,

Morehead,

Moore,

Burney,
 Carson,
 Cooper, of Martin,
 Davidson,
 Dockery,
 Gudger,
 Hargrave,
 Joyner,
 Jones,

McCormick,
 Myers,
 Polk,
 Reding,
 Skinner,
 Spruill,
 Taylor,
 Williams—27.

Mr. Kerr, from the Committee on the part of the Senate, to superintend the election of Solicitor for the 6th Judicial Circuit, reported that James R. Dodge, having received a majority of the whole number of votes given, is duly elected, in which report the Senate concurred.

Received from the House of Commons a message, stating that Messrs. Smith and N. J. King, form their branch of the Committee, to superintend the vote for Judge. The Commons will proceed to vote on the return of messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Moseley and Skinner, form our branch of the Committee, to superintend said election, and the House of Commons was informed thereof by message.

Thereupon, the Senate proceeded to vote as follows, to-wit :

Those who voted

FOR THOMAS P. DEVEREUX, ARE :

MESSRS. Joyner,
 Jones,
 Mebane,
 Moye,

Polk,
 Skinner,
 Taylor—7.

Those who voted

FOR JOHN D. TOOMER, ARE :

MESSRS. Waddell, (Speaker) MESSRS. Kelly,
 Burney, Melchor,
 Barnett, McCormick,
 Davidson, Myers—9.
 Hawkins,

Those who voted

FOR JAMES T. MOREHEAD, ARE :

MESSRS. Albright,	MESSRS. Hargrave,
Bryan, of C. & J.	Kerr,
Carson,	Reid,
Dobson,	Reding—9.
Dockery,	

Those who voted

FOR ROBERT R. HEATH, ARE :

MESSRS. Bryan, of Craven,	MESSRS. Hussey,
Cowper, of G. & C.	Lindsay,
Cooper, of Martin,	Marsteller,
Exum,	Sanders,
Fox,	Spruill,
Gudger,	Whitaker—13.
Houlder,	

Those who voted

FOR EDWARD HALL, ARE :

MESSRS. Arrington,	MESSRS. Moseley,
Baker,	Moore,
Bunting,	Reinhardt—7.
Edwards,	

Mr. Williams voted for John L. Bailey.

Mr. Moseley, from the Committee on the part of the Senate, to superintend the election for Judge, reported that no person in nomination having received a majority of the whole number of votes given, there is no election, in which the Senate concurred.

On motion of Mr. Hargrave,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote to-day at 1 o'clock for Judge, and informing the House that Edward Hall is withdrawn from the nomination.

Received from the House of Commons a message, stating that they do not agree to vote at 1 o'clock for Judge.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing the Judiciary

Committee to enquire into the expediency of repealing the *proviso*, contained in the 10th section of an act, entitled an act, supplemental to an act, concerning the Supreme Court, passed in the year 1818, chapter 963, reported that it was inexpedient at this time, to legislate on the subject, and asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Received from the House of Commons a message, proposing that the two Houses vote immediately for a Judge of the Superior Courts; and also, stating to the Senate, that Thomas P. Devereux is withdrawn from the nomination, which was read and concurred in.

Received from the House of Commons a message, stating that Messrs. Byrd and Hollingsworth, compose the Committee on the part of their House, to superintend the voting for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Hargrave and Reid, form our branch of the Committee, to superintend said election.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. TOOMER, ARE :

Messrs. Waddell, (Speaker)	Messrs. Kelly,
Barnett,	Melchor,
Burney,	Moye,
Davidson,	McCormick,
Hawkins,	Myers,
Joyner,	Taylor—12.

Those who voted

FOR MR. HEATH, ARE :

Messrs. Arrington,	Messrs. Hussey,
Baker,	Lindsay,
Bryan, of Craven,	Marsteller,
Bunting,	Mebane,
Cowper, of G. & C.	Moseley,
Cooper, of Martin,	Reinhardt,

Edwards,
Exum,
Fox,
Houlder,

Sanders,
Spruill,
Whitaker—19.

Those who voted

FOR MR. MOREHEAD, ARE :

Messrs. Albright,
Bryan, of C. & J.
Carson,
Dobson,
Dockery,
Gudger,
Hargrave,

Messrs. Jones,
Kerr,
Moore,
Polk,
Reid,
Reding,
Skinner—14.

Mr. Williams voted for John L. Bailey.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the engrossed bill to amend the charter of the Cape Fear, Yadkin and Pedee Rail Road Company.

Ordered, That said bill be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately ; which was read and not concurred in.

Mr. Reid, from the Committee appointed on the part of the Senate, to superintend the voting for Judge, reported that neither of the persons in nomination had received a majority of the votes given, and that no one is elected ; in which report the Senate concurred.

The Senate proceeded to consider the Bill No. 18, of the Revised Code, concerning the Revenue ; which was read the third time, and, on motion of Mr. Morehead, amended, and passed.

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions ; which was read the third time. The question recurring thereon, it was decided in the negative.

Mr. Marsteller demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, McCormick, Polk, Reding, Reinhardt, Sanders, Skinner and Spruill—22.

Those who voted in the negative, are :

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Mebane, Moye, Myers, Reid, Taylor, Williams and Whitaker—24.

So the bill was rejected.

Whereupon, Mr. Polk moved that the Senate adjourn until to-morrow morning 10 o'clock ; which was decided in the negative.

Mr. Marsteller demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Hargrave, Joyner, Jones, Moseley, Morehead, Polk, Skinner, Spruill, and Whitaker—14.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Houlder, Hussey, Kerr, Kelly, Marsteller, Mebane, Melchor, Moye, Moore, McCormick, Myers, Reid, Reding, Reinhardt, Sanders, Taylor, and Williams—29.

Mr. Edwards then moved that the Senate adjourn until to-morrow morning, 10 o'clock ; which motion prevailed.

SATURDAY, JANUARY 7, 1837.

The Speaker presented the resignation of Alexander Mebane, as a Justice of the Peace for the county of Orange ; which was read and accepted, and sent to the House of Commons.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry

citizens of the counties of Halifax and Edgecomb, praying the Legislature to pass an act to prevent obstructions to the free passage of fish up Fishing Creek, from the mouth thereof to Biggs' Mill, on said Creek, reported a bill, entitled a bill to prevent obstructions to the passage of fish up Fishing Creek, and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Thereupon, said bill was read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the Mutual Insurance Company, of Fayetteville; in which they ask the concurrence of the Senate.

Thereupon, said bill was read the first and second times, amended, and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill to amend the several acts of the General Assembly, prescribing the time to pay for entries of land, with sundry amendments; which were read and concurred in.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate to the Revised bill No. 85, concerning Sheriffs.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, concerning the Office of Public Treasurer; in which they ask the concurrence of the Senate.

The Resolution was read and adopted, and ordered to be enrolled.

Received from the House of Commons, the resignations of the following Justices of the Peace and Field Officer, to wit:

D. H. Bryan, as Justice of the Peace for the county of Johnston; John Shamberger, as Justice of the Peace for the county of Moore; Zebulon Morris, as Lieutenant Colonel of the 69th Regiment of North-Carolina Militia;—which were severally read and accepted.

Received from the House of Commons a message, proposing to the Senate, that the two Houses vote for a Judge

of the Superior Courts, to-day, at half past 11 o'clock—which was read and agreed to.

Mr. Edwards presented a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; which was read the first time and passed, and, on motion of Mr. Edwards, ordered to be printed, and, on motion of Mr. Moseley, made the Order of the day for Tuesday next.

Received from the House of Commons a message, informing the Senate that Messrs. Dunn and Hoskins are appointed on the part of their House, superintendants of the vote for Judge, and that the Commons are ready to proceed in the election.

Whereupon, the Speaker announced to the Senate, that Messrs. Myers and Hussey compose our branch of the Committee to superintend said election.

Thereupon, the Senate proceeded to vote as follows, viz:

Those who voted

FOR MR. HEATH, ARE:

MESSRS. Arrington,	MESSRS. Hussey,
Bryan, of Craven,	Lindsay,
Bunting,	Marsteller,
Cowper, of G. & C.	Mebane,
Cooper, of Martin,	Moseley,
Edwards,	Reinhardt,
Exum,	Sanders,
Fox,	Spruill,
Houlder,	Whitaker—18.

Those who voted

FOR MR. TOOMER, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Kelly,
Barnett,	Melchor,
Burney,	Moye,
Davidson,	McCormick,
Hawkins,	Myers,
Joyner,	Taylor—12.

Those who voted

FOR MR. MOREHEAD, ARE:

MESSRS. Albright,

Baker,

Bryan, of C. & J.

Carson,

Dobson,

Hargrave,

Gudger,

Jones,

MESSRS. Kerr,

Moore,

Polk,

Reid,

Reding,

Skinner,

Williams—15.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz :

No. 30, concerning the action of Replevin ; No. 95, concerning Marriage ; No. 93, concerning Court Houses, Prisons and Stocks ; No. 111, concerning Boats, Canoes and Pettiaugers ; in which they ask the concurrence of the Senate.

The above named bills were severally read three times, and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised bills, in which they ask the concurrence of the Senate, viz :

No. 108, concerning Bank Notes ; No. 64, concerning Guardian and Ward ; No. 79, concerning County Trustee ; No. 80, Bills, Bonds and Promissory Notes ; No. 91, Registers ; No. 98, Frauds and fraudulent Conveyances ; No. 99, concerning Estates.

Which were severally read three times, passed, and ordered to be enrolled.

And also, No. 2, concerning Entries and Grants of Land ; which was read the first time and passed, and, on motion of Mr. Jones, referred to the Committee on the Judiciary.

Mr. Hussey, from the Committee on the part of the Senate, to superintend the vote for Judge, reported, that no person in nomination having received a majority of the votes given, consequently there is no election ; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately; which was read and concurred in.

Whereupon, on motion of Mr. Dobson,

Ordered, That a message be sent to the House of Commons, informing that House, that the name of James T. Morehead is withdrawn from the nomination.

Mr. Wm. W. Cowper presented the following Resolution, viz:

Resolved, That the Governor of this State be requested to transmit immediately a copy of the Act of Assembly, to incorporate the Norfolk and Edenton Rail Road Company, to the Governor of the State of Virginia, and request a confirmation by the Legislature of said State.

Which was read and adopted, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Smallwood and D. Jordan form their branch of the Committee to superintend the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Marsteller and Bunting compose our branch of the Committee to superintend said election; and the House of Commons was informed thereof by message.

The Senate then proceeded to vote as follows, viz:

Those who voted

FOR MR. HEATH, ARE:

MESSRS. Albright,

Arrington,

Baker,

Bryan, of Craven,

Bunting,

Cowper, of G. & C:

Cooper, of Martin,

Dobson,

Edwards,

Exum,

Fox,

Gudger,

MESSRS. Houlder,

Hussey,

Kerr,

Lindsay,

Marsteller,

Mebane,

Moseley,

Reid,

Reinhardt,

Sanders,

Spruill,

Whitaker—24.

Those who voted

FOR MR. TOOMER, ARE:

Messrs. Waddell, (Speaker)	Messrs. Melchor,
Barnett,	Moye,
Bryan, of C. & J.	Morehead,
Burney,	Moore,
Carson,	McCormick,
Davidson,	Myers,
Dockery,	Polk,
Hargrave,	Reding,
Hawkins,	Skinner,
Joyner,	Taylor,
Jones,	Williams—23.
Kelly,	

Mr. Marsteller, from the Committee on the part of the Senate, to superintend the election for Judge of the Superior Courts of Law and Equity, reported that neither of the persons in nomination had received a majority of the whole number of votes given, and consequently, there was no election; in which the Senate concurred.

Thereupon, the Committee was discharged from its further consideration.

On motion of Mr. Polk, the Senate proceeded to consider the engrossed bill, entitled a bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie; which was read the third time and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge of the Superior Courts immediately; which was read and concurred in, and the House of Commons was informed thereof by message.

The Speaker presented to the Senate the resignation of the Hon. John R. Donnell, as Judge of the Superior Courts of Law and Equity for this State; which was read and accepted; and, on motion of Mr. Moseley, ordered to be transmitted to the House of Commons.

Received from the House of Commons a message, stating to the Senate, that Messrs. J. F. Lee, and Kenan,

form their branch of the Committee to attend to the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Moye and Mebane, are appointed our branch of the Committee, to attend to said election.

The Senate then proceeded to vote as follows, to wit :

Those who voted

FOR MR. HEATH, ARE:

MESSRS. Arrington,	MESSRS. Hussey,
Baker,	Kerr,
Bryan, of C.	Lindsay,
Bunting,	Marsteller,
Cowper, of G. & C.	Mebane,
Cooper, of M.	Moseley,
Dobson,	Reid,
Edwards,	Reinhardt,
Exum,	Sanders,
Fox,	Spruill,
Gudger,	Whitaker—23.
Houlder,	

Those who voted

FOR MR. TOOMER, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Melchor,
Albright,	Moye,
Barnett,	Morhead,
Bryan, of C. & J.	Moore,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Hargrave,	Reding,
Hawkins,	Skinner,
Joyner,	Taylor,
Jones,	Williams—23.
Kelly,	

Mr. Moye, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts of Law and Equity for this State, reported that John D. Toomer having received a majority of the whole

number of votes given, is duly elected; in which report, the Senate concurred.

The Committee, thereupon, was discharged from the further consideration of the subject.

Mr. Burney moved that the Senate do now re-consider the vote of yesterday, by which, a bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions, was rejected.

The question recurring thereon, it was decided in the affirmative—Yeas 24, Nays 21.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

MESSRS. Albright, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Kerr, Melchor, Moseley, Morehead, Moore, Polk, Reding, Reinhardt, Sanders, and Spruill—24.

Those who voted in the negative, are:

MESSRS. Arrington, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Kelly, Lindsay, Marsteller, Mebane, Moye, McCormick, Myers, Reid, Skinner, Taylor, and Williams—21.

Whereupon, on motion of Mr. Dobson, the bill was made the order of the day for Monday next.

On motion of Mr. Marsteller, the Senate adjourned until Monday morning, 9 o'clock.

MONDAY, JANUARY 9, 1837.

The Speaker announced to the Senate that Messrs. Arrington and Hargrave, compose the Committee on the part of the Senate, on enrolled bill this weeks.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the counties of Burke, Lincoln, Wilkes, and Iredell, praying the Legislature that an act be passed, to

erect a new county from a portion of each of the respective counties above named, reported unfavorably to the prayer of the petitioners; and asked to be discharged from its further consideration. The Committee was discharged accordingly.

Mr. Kelly, from the Committee on Claims, to whom was referred the petition of Daniel McDonald, praying the Legislature to authorise the Secretary of State, to issue a Military Land Warrant to the petitioner and others, reported a Resolution to carry out the prayer of the petitioner.

Thereupon, the Committee was discharged from its further consideration.

The Resolution was then read three times and passed, and ordered to be engrossed.

On motion of Mr. Kelly,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses of the General Assembly vote to-day at 12 o'clock, for a Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. J. R. Donnell; and informing that House, that John L. Bailey, and Robert R. Heath, are in nomination for the office.

Mr. Moye, from the Committee on Propositions and Grievances, to whom was referred the petition of numerous citizens of the counties of Pitt, Lenoir, Craven, and Greene, praying the Legislature to permit them to erect a bridge across great Contentnea Creek, reported a bill, entitled a bill to authorise William L. Blount and his associates, to erect a bridge across Great Contentnea Creek, near Washington's Ferry, on said Creek; which was read the first time and passed.

Mr. Kelly, from the Committee on Claims, to whom was referred an engrossed Resolution in favor of James C. Turrentine, reported the same Resolution; which was read three times and passed, and ordered to be enrolled.

The Senate proceeded to consider the bill, entitled a bill to incorporate the Mutual Insurance Company of Fayetteville; which was read the third time and passed.

On motion of Mr. Marsteller, the Senate proceeded to consider Bill No. 47, of the Revised Code, concerning the Patrol : which was read the third time, and a substitute adopted therefor as an amendment.

Thereupon, Mr. Hargrave moved that the bill be postponed indefinitely ; which was decided in the affirmative, Ayes 25, Noes 20.

Mr. Hargrave demanding the Yeas and Nays, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Gudger, Hargrave, Hawkins, Jones, Kelly, Morehead, Moore, McCormick, Polk, Reid, Reding, Reinhardt, Sanders, Skinner, Spruill, and Whitaker—25.

Those who voted in the negative, are :

MESSRS. Arrington, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dockery, Edwards, Exum, Fox, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Melchor, Moseley, Moye, Myers, Taylor, and Williams—20.

Whereupon, Mr. Morehead moved that the vote of indefinite postponement be re-considered ; which was agreed to. He further moved that the substitute also be reconsidered ; which was decided in the affirmative. The question then recurring on the adoption of the substitute, it was decided in the negative. The bill was then put upon its third reading and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that Messrs. Farrow, Rand, William B. Lane, and Stallings, form their branch of the Committee on enrolled bills this week.

Received from the House of Commons a message, agreeing to vote at 12 o'clock for Judge ; and informing the Senate that Wright C. Stanly is added to the nomination.

On motion of Mr. Polk, the Senate proceeded to consider the bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company ; which was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing that the Joint Order, to vote this day, at 12 o'clock,

for Judge, be rescinded ; which was read and not agreed to.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred a bill to incorporate the Roanoke Valley Rail Road Company, reported the same bill, and recommended its rejection ; in which report the Senate concurred. The Committee was then discharged from its further consideration.

Whereupon, Mr. Joyner moved that said bill lie on the table ; which was agreed to.

Received from the House of Commons a message, informing the Senate, that Messrs. Hartley and Davenport, form their branch of the Committee to superintend the vote for Judge.

Whereupon, the Speaker announced to the Senate, that Messrs. Dockery and Dobson, form our branch of the Committee, to superintend said election, and the House of Commons being informed thereof by message,

The Senate then proceeded to vote as follows, to-wit :

Those who voted

FOR MR. HEATH, ARE:

MESSRS. Arrington,	MESSRS. Hawkins,
Baker,	Houlder,
Barnett,	Kerr,
Bunting,	Lindsay,
Cowper, of G. & C.	Marsteller,
Cooper, of Martin,	Mebane,
Dobson,	Reid,
Edwards,	Reinhardt,
Fox,	Spruill,
Hall,	Whitaker—20.

Those who voted

FOR MR. BAILEY, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Kelly,
Albright,	Melchor,
Bryan, of C. & J.	Moye,
Burney,	Morehead,
Carson,	Moore,
Davidson,	McCormick,

Dockery,
Gudger,
Hargrave,
Joyner,
Jones,

Myers,
Polk,
Reding,
Skinner,
Taylor—22.

Those who voted

FOR MR. STANLY, ARE:

MESSRS. Bryan, of Craven, MESSRS. Moseley,
Exum, Sanders,
Hussey, Williams—6.

Received from the House of Commons a message, stating that they have passed the following Revised bills, to-wit :

No. 97, concerning Prisoners ; No. 107, concerning Writs of *quo warranto* and *mandamus* ; No. 92, prescribing the disposition of money remaining in the hands of Clerks and Sheriffs a certain time.

In which they ask the concurrence of the Senate.

The above named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Reid,

Ordered, That Mr. Fox have leave of absence from the service of the Senate, from and after Thursday next, the balance of the session.

Mr. Dockery, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts, reported that neither of the persons in nomination having received a majority of the whole number of votes given, consequently there is no election, in which the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

On motion of Mr. J. W. Bryan, the Senate resolved itself into a Committee of the whole ; whereupon, Mr. J. W. Bryan being called to the Chair, the Senate then proceeded to consider the order of the day, to-wit :

A bill to confer Banking privileges on the Stockholders

of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.

Thereupon, Mr. Moseley moved that the Committee rise, report the bill to the Senate, and recommend its passage, which motion did not prevail.

Mr. Carson moved to strike out the 26th section, which was agreed to.

Mr. Mebane then moved to strike out in the 11th section and second line, the word "five," and insert in lieu thereof, the word "ten," which was not agreed to.

Thereupon, Mr. Morehead moved an amendment to the bill, as two additional sections; which was agreed to.

The Committee having spent some time therein, on motion of Mr. Moseley, the Committee rose.

Thereupon, the Chairman reported the bill and amendments to the Senate, and was discharged from its further consideration.

The bill was then put upon its third reading, and the several amendments proposed by the Committee, were adopted.

Mr. Spruill then moved the following amendment, to-wit:

Eleventh section and second line, after the word dollars, insert the words "until the Road is completed, nor less than ten dollars after the completion of said Rail Road," which was decided in the affirmative.

The question then recurring on the passage of the bill as amended, it was decided in the affirmative, Yeas 25, Nays 22.

Mr. Reid demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Albright, Baker, Barnett, Bryan, of Carteret and Jones, Burnay, Carson, Davidson, Dockery, Dobson, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, McCormick, Myers, Polk, Reding, Reinhardt, Sanders, Skinner and Spruill—25.

Those who voted in the negative, are:

MESSRS. Arrington, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Mebane, Moye, Reid, Taylor, Williams and Whitaker—22.

Whereupon, said bill was ordered to be engrossed.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 10, 1837.

On motion of Mr. Marsteller,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate, from and after Friday next, the balance of the session.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred a bill to amend the charter of the Portsmouth and Roanoke Rail Road Company, reported the same bill to the Senate, and asked to be discharged from its further consideration.

The bill was then read the second and third times and passed, and ordered to be engrossed.

Mr. Polk presented a bill, entitled a bill, concerning the Fayetteville and Western Rail Road, which was read the first time and passed.

Mr. Spruill asked leave to withdraw from the file of the Senate the memorial and counter-memorial of the citizens of Hyde county, relative to removing the Court House of said county, which was granted.

On motion of Mr. Mebane,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses vote to-day at 11 o'clock, for Judge of the Superior Courts.

Mr Polk presented a bill, entitled a bill, to authorize the Commissioners of Salisbury to borrow money and for other purposes, which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to-wit :

A bill authorizing County Courts to settle disputed boundaries between counties.

A bill empowering the Halifax and Weldon Rail Road Company, to subscribe their Stock to the Wilmington and Raleigh Rail Road Company.

Also, a bill to amend an act, entitled an act authorizing the entering of the unsurveyed lands acquired by Treaty from the Cherokee Indians, A. D. 1817 and 1819, in the counties of Haywood and Macon.

In which they ask the concurrence of the Senate.

The three above named bills were severally read three times and passed, and ordered to be enrolled.

Received from the House of Commons, the resignation of Thomas Y. Wright, as Lieutenant Colonel of the 29th Regiment of N. C. Militia, which was read and accepted.

Received from the House of Commons a message, agreeing to vote at 11 o'clock this day for a Judge, and informing the Senate, that Wright C. Stanly is withdrawn from the nomination.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to-wit:

A bill concerning Brokers, and a bill to incorporate the town of Greensboro'.

In which they ask the concurrence of the Senate.

The first named bill was read three times and passed, and ordered to be enrolled.

The last named bill was read the first time and passed.

Received from the House of Commons a message, stating that Messrs. Marshall and Boon, form their branch of the Committee, to superintend the vote for Judge, and stating that they will proceed to vote on return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Bryan of Craven and Spruill, compose our branch of the Committee, to superintend said election.

The Senate then proceeded to vote as follows, to wit:

Those who voted

FOR MR. HEATH, ARE :

MESSRS. Arrington,

Baker,

Bryan, of Craven,

Bunting,

Cowper, of G. & C.

Cooper, of Martin,

Dobson,

Edwards,

Exum,

Fox,

Hall,

Hawkins,

MESSRS. Houlder,

Hussey,

Kerr,

Lindsay,

Marsteller,

Mebane,

Moseley,

Reid,

Reinhardt,

Spruill,

Whitaker—23.

Those who voted

FOR MR. BAILEY, ARE :

MESSRS.

Waddell, (Speaker)

Albright,

Bryan, of C. & J.

Burney,

Carson,

Davidson,

Dockery,

Gudger,

Hargrave,

Joyner,

Jones,

MESSRS.

Kelly,

Melchor,

Moye,

Moore,

McCormick,

Myers,

Polk,

Reding,

Skinner,

Taylor—21.

Messrs. Morehead, Sanders, and Williams, voted for John H. Bryan ; and Mr. Barnett, voted for T. P. Deveaux.

On motion of Mr. Moseley,

Ordered, That the bill, entitled a bill concerning the Fayetteville and Western Rail Road be printed, and made the order of the day for Thursday next.

Mr. Spruill, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts, reported that neither of the persons in nomination

having received a majority of the whole number of votes given, consequently there is no election, in which report the Senate concurred.

Thereupon, the Committee was discharged from its further consideration.

On motion of Mr. Edwards, the Senate proceeded to consider the order of the day, to-wit :

A bill to provide for the investment and safe keeping of the money's, which shall be deposited with this State, under the act of Congress, to regulate the deposits of the public money ; which was read the second time, amended, and passed.

Received from the House of Commons, a message stating that they have passed the following Revised bills; viz:

No. 73, concerning Salaries and Fees ; No. 106, concerning forcible Entry and Detainer ; No. 114, Habeas Corpus ; No. 109, concerning amendments of Process &c ; No. 94, concerning Clerks and Masters in Equity.

In which they ask the concurrence of the Senate.

No. 114, concerning Habeas Corpus, was read the first and second times and passed and, on motion of Mr. Edwards, referred to the Judiciary Committee.

The other named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. Edwards,

Ordered, That a message be sent to the House of Commons, proposing to vote for a Judge to-morrow at 12 o'clock, and informing that House, that Robert R. Heath is withdrawn from the nomination, and that the name of Edward Hall, is added thereto.

The Senate proceeded to consider the bill, entitled a bill to repeal an act, for the better administration of Justice in the County of Haywood, passed in the year 1833, chapter 41, and for other purposes ; which was read the second and third times and passed, and ordered to be enrolled.

A bill, entitled a bill, to authorize William L. Blount and his associates, to erect a bridge across great Contentnea

Creek, near Washington's Ferry on said Creek, was taken up for consideration, and, on motion of Mr. J. W. Bryan, was ordered to lie upon the table.

On motion of Mr. Arrington, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 11, 1837.

Mr. Bunting presented the resignation of John Spell, as Major of the 32d Regiment of North Carolina Militia, which was read and accepted, and sent to the House of Commons.

The Senate proceeded to consider the engrossed bill, entitled a bill to incorporate the Town of Greensboro' in the county of Guilford, which was read the second and third times and passed, and ordered to be enrolled.

The bill, entitled a bill to authorize the Commissioners of Salisbury to borrow money, and for other purposes, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to go into an election of a Judge of the Superior Courts, this day, at twelve o'clock, and stating that Messrs. Hawkins and Granberry form their branch of the Committee of superintendence.

Received from the House of Commons a message, stating that they have passed the following Revised bills, to-wit:

No. 13, Executors and Administrators; No. 66, concerning the Supreme Court; No. 84, Deeds and Conveyances; No. 113, Criminal Proceedings.

In which they ask the concurrence of the Senate.

The above named bills were severally read three times and passed, and ordered to be enrolled.

The hour of 12 having arrived, the Speaker announced to the Senate, that Messrs. Albright and Bunting form our branch of the Committee, to superintend the election of

Judge; and the House of Commons was informed thereof by message.

Whereupon, the Senate proceeded to vote as follows, to-wit:

Those who voted

FOR MR. BAILEY, ARE :

Messrs. Waddell, (Speaker)	Messrs. Melchor,
Albright,	Moody,
Bryan, of C. & J.	Moye,
Burney,	McCormick,
Carson,	Myers,
Davidson,	Polk,
Dockery,	Reding,
Hargrave,	Skinner,
Jones,	Williams—19.
Kelly,	

Those who voted

FOR MR. HALL, ARE :

Messrs. Arrington,	Messrs. Joyner,
Baker,	Kerr,
Barnett,	Lindsay,
Bryan, of Craven,	Mebane,
Bunting,	Moseley,
Dobson,	Moore,
Edwards,	Reinhardt,
Hall,	Taylor,
Hawkins,	Whitaker—18.

Messrs. Exum, Hussey and Marsteller, voted for Mr. Stanly; Messrs. Fox, Houlder and Reid, for Mr. Heath; Mr. Cooper, of Martin, for Mr. Moseley; Mr. Gudger, for Mr. Morehead; and Mr. Sanders, for Mr. Bryan.

Mr. Albright, from the Committee on the part of the Senate, to superintend the election of Judge of the Superior Courts, reported that no person in nomination having received a majority of the whole number of votes given, consequently, there is no election; in which report the Senate concurred.

Whereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, proposing that the two Houses vote for a Judge immediately; which was read and agreed to.

Received from the House of Commons a message, stating that Messrs. Byrd and Loudermilk form their branch of the Committee to superintend the election for Judge. The Commons will vote on the return of the messenger.

Whereupon, the Speaker announced to the Senate, that Messrs. Burney and Cooper, of Martin, form our branch of the Committee, to superintend said election; and the House of Commons being informed thereof by message,

The Senate then proceeded to vote as follows, to wit :

Those who voted

FOR MR. BAILEY, ARE:

MESSRS. Waddell, (Speaker)	MESSRS. Kelly,
Albright,	Moody,
Bryan, of C. & J.	Moye,
Burney,	McCormick,
Carson,	Myers,
Dockery,	Polk,
Davidson,	Reding,
Hargrave,	Skinner,
Joyner,	Taylor,
Jones,	Williams—20.

Those who voted

FOR MR. HALL, ARE:

MESSRS. Arrington,	MESSRS. Houlder,
Baker,	Kerr,
Bryan, of C.	Mebane,
Bunting,	Moseley,
Cooper, of M.	Morehead,
Dobson,	Moore,
Edwards,	Reid,
Fox,	Reinhardt,
Hall,	Whitaker—19.
Hawkins,	

Mr. Barnett voted for Mr. Devereux; Messrs. Exum, Hussey and Marsteller, for Mr. Staunly; and Messrs. Melchor and Sanders, for Mr. Bryan.

Mr. Cooper, of Martin, from the Committee on the part of the Senate, to superintend the election of Judge for the Superior Courts of Law and Equity for this State, reported that John L. Bailey, having received a majority of the whole number of votes given, is duly elected; in which report the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the Resolution instructing that Committee to enquire into the expediency of allowing compensation to the several Sheriffs of this State, for making returns of the election of Governor, reported a bill, entitled a bill to amend an act, entitled an act concerning the election of Governor and Members of the General Assembly, passed in the year one thousand eight hundred and thirty-five;—which was read the first, second and third times, and passed, and ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; which was read the third time.

Thereupon, Mr. McCormick moved that it lie on the table.

The question recurring thereon, it was decided in the affirmative—Yeas 23, Nays 22.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Albright, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Joyner, Jones, Kelly, Melchor, Moody, Moye, Moore, McCormick, Myers, Polk, Reding, Reinhardt, Skinner, Taylor and Williams—23.

Those who voted in the negative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hall, Hargrave, Hawkins, Houlder, Hussey, Kerr, Lindsay, Marsteller, Mebane, Moseley, Sanders and Spruill—22.

So the bill was laid on the table.

On motion of Mr. Kelly, the Senate proceeded to consider bill No. 78 of the Revised Code, concerning the Literary Fund; which was read the third time, passed, and ordered to be engrossed.

On motion of Mr. Mebane, the Senate resolved itself into a Committee of the Whole, Mr. Edwards being called to the Chair. Whereupon, the bill, entitled a bill to lay off and establish a county by the name of Jefferson, was read the second time.

The Committee having spent some time therein, on motion of Mr. Marsteller, the Committee rose, and the Chairman reported the bill to the Senate.

The question recurring on the passage of the bill, it was decided in the negative Yeas 20, Nays 24.

Mr. Mebane demanding the Yeas and Nays, were as follows, to wit:

Those who voted in the affirmative, are:

MESSRS. Albright, Baker, Barnett, Carson, Davidson, Dobson, Fox, Gudger, Hargrave, Jones, Kerr, Kelly, Melchor, Morehead, McCormick, Myers, Polk, Reid, and Reding—20.

Those who voted in the negative, are:

MESSRS. Arrington, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Houlder, Hussey, Joyner, Lindsay, Marsteller, Mebane, Moody, Moseley, Moyer, Reinhardt, Skinner, Spruill, Taylor, Williams and Whitaker—24.

So the bill was rejected.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 12, 1837.

Mr. Marsteller, from the joint select Committee, appointed on the part of the Senate, to enquire into the ne-

cessity of appointing one or more additional engrossing Clerks, reported a Resolution authorising the Principal Clerks of the two Houses, to employ one or more Assistant Engrossing Clerks ; which was agreed to.

Thereupon, the Committee was discharged from the further consideration of the subject.

Received from the House of Commons a message, concurring in the amendment made by the Senate, to the Revised Bill concerning Attorney General and Solicitors. Ordered that said bill be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolutions, to wit :

Resolution in favor of the heirs at law, of James McIntire, deceased, or their legal Representatives ; Resolution in favor of Edward Stanly, Solicitor ; Resolution in favor of George Hoover, Sheriff of Randolph county ; Resolution authorising the Governor to make provision for receiving the Surplus Revenue ; in which they ask the concurrence of the Senate ; which were severally read three times, passed, and ordered to be enrolled.

Mr. J. W. Bryan presented the following Resolutions, to wit :

Resolved, That the Surplus money of the United States, to be deposited in the Treasury of this State, ought to be profitably employed ; and that the same shall be invested in such manner, as to secure the capital, and also to advance the great interests of the State.

Resolved, That the money in the Treasury, and all the Stocks belonging to the State, and debts owing to the State, except the bonds for Cherokee Lands not paid, shall be restored to the Public Treasury, notwithstanding they may have heretofore been allotted to the Board of Internal Improvement, or the Literary Fund ; and that these, together with the Surplus money, to which the State is entitled, under the Act of Congress, "to regulate the deposits of the public moneys," shall constitute a common fund, to be regulated and disposed of as follows :

1st. That the State debt of four hundred thousand dollars, shall be purchased in, and such provisions made by

law, as will stop the interest, and prohibit the re-issue of the scrip, except it shall be made necessary on a demand by the General Government, for re-payment of the Surplus money deposited in this State.

2d. The Literary Fund shall consist of the Swamp lands of this State, not heretofore entered by individuals. And also, the following Stocks, to wit :

6,000 Shares of Stock in State Bank, cost	\$600,000
2,122 " of do. in Bank of Cape Fear,	212,200
Cash to be immediately invested in Stock (Bank)	187,800
	<hr/>
	\$1,000,000

which is to accumulate as heretofore, for purposes of Education ; and also, \$200,000 to be appropriated, as far as it may be needed, and can be judiciously applied in reclaiming the Swamp lands of said Board.

The Internal Improvement Fund shall consist of the Cherokee bonds, not yet paid, as is now required by law, the Cherokee lands not sold, the debts owing to said Board, as heretofore constituted, or to the State for funds loaned from the Internal Improvement Fund, and one million and forty thousand dollars of the money now or hereafter to be received into the Treasury, until otherwise provided by law.

3. *Resolved*, That the President and Directors of the Literary Fund, shall be authorised to expend not exceeding \$200,000, to reclaim the lands belonging to said Fund : *Provided*, the Board think it can be beneficially laid out. It is expedient to provide, by law, for re-organizing the said Board, and to clothe them with power by themselves, or their agents, to enter on the lands of other persons, for the purpose of surveying, &c ; to devise a system of equitable assessment on the lands, which may be drained by the works belonging to individuals, and to enforce its payment with proper restrictions, or to establish rules, by which individuals may be allowed to share in their works when projected, and be exempted from any assessment, and such other constitutional powers as may be needed to put into execution the great improvement herein contemplated, and to sell the lands reclaimed ; but the canal, or canals that may be excavated by them, shall, in no event,

be sold to individuals. The Board, however, shall drain the lands by contract or contracts, with others, at specified prices agreed on with contractors, who shall give bond and security to perform the contracts, under such restrictions, and upon such conditions, as may be prescribed.

4. *Resolved*, That the Board of Internal Improvement ought to be re-organized ; and that they be authorized to subscribe the whole disposable amount of the Internal Improvement Fund, to be divided *pro rata* among the several incorporated Rail Road Companies, hereinafter mentioned, according to the amount of Capital Stock which it may require to construct, or complete the same, viz : To the North Carolina Central Rail Road Company, according to the amount of Capital which may be required to build the same from Beaufort to Fayetteville, to the Wilmington and Raleigh Rail Road Company, according to the amount of Capital which may be required to construct said Rail Road ; to the Edenton and Norfolk Rail Road, according to the amount of Capital that may be ascertained to be necessary to construct the same from Edenton to the Virginia line ; and to the Fayetteville and Yadkin Rail Road Company, as soon as individuals, able to pay, shall subscribe the balance of the Capital that may be ascertained to be necessary to construct said Rail Roads by competent Engineers : *Provided*, That no subscription on the part of the State, shall exceed two-fifths of the Capital required to construct any of the said roads, and twenty-five per cent. or more on the Shares of individuals, shall be actually paid in before the State shall be called on to pay any thing on her subscription, so as to prevent any imposition by individual Stockholders, first expending the money of the public, and then failing to pay their own subscriptions, or to enforce collections from individuals.

5. *Resolved*, That in case any of the said Rail Road Companies should fail to receive the proportion of said Fund, so sought to be invested, or should be unable, from any cause, to go into operation upon the terms herein proposed, the share or proportion of any such Company shall be profitably invested by the President and Directors of the Literary Fund, for the benefit of said Fund.

6. *Resolved*, That the interest and dividends accruing on the Internal Improvement Stocks, shall be appropriated to the Fund for

7. *Resolved*, That the foregoing Resolutions shall be referred to a joint select Committee, with instructions to prepare bills for carrying the same into effect ; and said Committee shall have leave to sit during the session of both Houses.

Which was read. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, in which they ask the concurrence of the Senate, to wit :

A bill concerning the county of Davie ; a bill to lay off and construct a road from the town of Franklin, in Macon county, across the Nantahala Mountain, to Valley River, and thence to the Georgia line.

The first named bill was read three times, passed, and ordered to be enrolled.

The last named bill was read the first, second, and third times. The question recurring on the passage of the bill the third reading, it was decided in the affirmative—Yeas 24, Nays 21.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

Messrs. Albright, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Hawkins, Joyner, Jones, Kerr, Kelly, Melchor, Moseley, Moore, McCormick, Myers, Reding, Reinhardt, and Taylor—24.

Those who voted in the negative, are :

Messrs. Arrington, Bunting, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Houlder, Hussey, Marsteller, Mebane, Moody, Moye, Polk, Reid, Sanders, Skinner, Spruill, & Williams—21.

The Bill was then ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following Revised Bill, No. 95, concerning county Revenue and Charges ; in which they ask the concurrence of the Senate.

The bill was read three times and passed, and ordered to be enrolled.

Mr. Edwards moved that the Senate proceed to consider the bill, entitled a bill to provide for the investment and

safe-keeping of the monies which shall be deposited with this State, under the Act of Congress "to regulate the deposits of the public money." The question recurring thereon, it was decided in the affirmative, Yeas 27, Nays 18.

Mr. Sanders demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

Messrs Albright, Arrington, Baker, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Dockery, Edwards, Exum, Fox, Hall, Hargrave, Houlder, Hussey, Kerr, Marsteller, Mebane, Moseley, Moye, Reid, Reinhardt, Sanders, Skinner, Spruill, and Whitaker—27.

Those who voted in the negative, are:

Messrs. Barnett, Bryan, of Carteret and Jones, Burney, Davidson, Gudger, Hawkins, Joyner, Jones, Kelly, Melchor, Moody, Moore, McCormick, Myers, Polk, Reding, Taylor, and Williams—18.

Whereupon, on motion of Mr. Taylor, the Senate resolved itself into a Committee of the whole, Mr. Polk being called to the Chair, and then took into consideration the aforesaid bill, and after some time spent therein, on motion of Mr. Kelly, the Committee rose, and the Chairman reported the bill to the Senate, and obtained leave to sit again.

On motion of Mr. Spruill, the Senate adjourned until to-morrow morning, 9 o'clock.

FRIDAY, JANUARY 13, 1837.

On motion of Mr. Cowper, of Gates and Chowan,

Ordered, That Mr. Lindsay have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

The Senate proceeded to consider the engrossed bill to incorporate the Hiwassee Turnpike Company, and for other purposes ; which was read the first and second times and passed. Read the third time. Thereupon, on motion of Mr. Exum, ordered to lie on the table.

Mr. Reid, from the joint select Committee, to whom was referred a Resolution relative to contested elections for

Governor, reported a bill, entitled a bill prescribing the manner in which contested elections of Governor shall be determined in this State ; which was read the first and second times and passed.

Received from the House of Commons a message, proposing that the joint Resolution to adjourn *sine die*, on the 14th instant, be rescinded, and proposing that the two Houses adjourn *sine die*, on Wednesday the 18th instant ; which was read and ordered to lie on the table.

Received from the House of Commons a message, stating that they have passed the following engrossed Resolutions, to wit :

Resolution concerning enrolled bills ; Resolution in favor of William Merry, Sheriff of Camden county ; in which they ask the concurrence of the Senate.

The first named Resolution was read ; and, on motion of Mr. Edwards, ordered to lie on the table.

The last named Resolution was read three times, passed, and ordered to be enrolled.

On motion of Mr. Moseley,

Ordered, That a message be sent to the House of Commons, proposing that the Committee on enrolled bills of the two Houses, be increased, in the Senate to six, and twelve on the part of the House of Commons ; and that they have leave to sit during the session of the two Houses.

On motion of Mr. Edwards, the proposition from the House of Commons, that the joint Resolution, to adjourn *sine die*, on the 14th instant, be rescinded, and proposing that the two Houses adjourn *sine die*, on Wednesday, the 18th instant, was taken up for consideration, read, and concurred in ; and the House of Commons informed thereof by message.

Mr. Moseley presented the following Resolution, viz :

Resolved, That the Public Treasurer pay to Green Hill, the sum of thirty dollars and eleven cents, for sundry articles furnished for the use of the Legislature ; and that he be allowed the same in the settlement of his public accounts.

Which was read three times, passed, and ordered to be engrossed.

On motion of Mr. Marsteller,

Ordered, That Mr. Mebane have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Edwards,

Ordered, That Mr. Hall have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the whole, Mr. Polk being called to the Chair. Thereupon, the unfinished business of yesterday was taken up, to wit :

A bill to provide for the investment and safe-keeping of the monies which shall be deposited with this State, under the Act of Congress, "to regulate the deposits of the public money ;" and, after having spent some time therein, thereupon, on motion of Mr. Waddell, the Committee rose, and the Chairman reported progress, and obtained leave to sit again.

On motion of Mr. Davidson, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 14, 1837.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolution, to wit :

A bill concerning depositions of persons confined in jail ; a Resolution in favor of the Oconalufty Turnpike Company ; in which they ask the concurrence of the Senate.

The above named bill and Resolution were read three times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, that the

Principal Clerks of the two Houses be, and they are hereby authorised to employ two additional Engrossing Clerks, with an amendment; which was read and concurred in.

Received from the House of Commons a message, concurring in the amendments made by the Senate, to the Revised Bill, No. 18. Ordered that said bill be enrolled.

On motion of Mr. Arrington,

Ordered, That Mr. Polk have leave of absence from the service of the Senate, from and after Tuesday next, the balance of the session.

Received from the House of Commons a message, stating that they have passed the Revised Bill, No. 4, concerning the Militia of the State, with sundry amendments; which were read and concurred in.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses go into an election immediately, for a Trustee of the University, to supply the vacancy occasioned by the resignation of P. W. Kittrell; and informing that House, that Andrew Joyner is in nomination for the appointment.

The Senate proceeded to consider the bill prescribing the manner in which contested elections of Governor shall be determined in this State; which was read the third time and passed, and ordered to be engrossed.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred a Resolution relative to altering the times of holding the Courts in the Edenton District, reported unfavorably thereon; in which report the Senate concurred. The Committee was then discharged from the further consideration of the subject.

Mr. Baker presented the following Resolution, to wit:

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of making an appropriation of dollars to complete a road leading from Morganton, in Burke county, across the Great Iron Mountain, into the State of Tennessee; and that they report by bill or otherwise.

Which was read and adopted.

Received from the House of Commons, the resignation of John C. Taylor, as a Justice of the Peace for the county of Granville; which was read and accepted.

The Senate proceeded to consider the engrossed bill, entitled a bill to incorporate the Hiwassee Turnpike Company, and for other purposes; which was read the third time, and thereupon, on motion of Mr. Edwards, was postponed indefinitely.

Received from the House of Commons a message, in which they do not agree to vote immediately for a Trustee of the University.

On motion of Mr. Edwards, the Senate resolved itself into a Committee of the Whole, Mr. Polk being called to the Chair. Thereupon, the Committee took up the unfinished business of yesterday, to-wit: a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money.

After having spent some time therein, the Committee rose, and the Chairman reported the bill, with an amendment, to the Senate.

Thereupon, Mr. Williams moved that the bill and amendment be postponed indefinitely.

The question recurring thereon, it was decided in the negative—Yeas 5, Nays 40.

Those who voted in the affirmative, are :

MESSRS. Arrington, Hall, Houlder, Spruill and Williams—5.

Those who voted in the negative, are :

MESSRS. Albright, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Carson, Cowper, of Gates and Chowan, Cooper, of Martin, Davidson, Dobson, Dockery, Edwards, Exum, Fox, Gudger, Hargrave, Hawkins, Hussey, Joyner, Jones, Kerr, Kelly, Marsteller, Melbane, Melchor, Moody, Moseley, Moye, Morehead, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Sanders, Skinner, Taylor and Whitaker—40.

The question then recurred on the adoption of the following amendment, to-wit:

Strike out all the bill, after the second section, and insert in lieu thereof the following:

Be it enacted, That the Governor for the time being, and four other persons elected by joint vote of both Houses of the General Assembly, be, and they are hereby constituted

a Board, to be known as the "Board of Public Works," to which shall be assigned the superintendence of all such works as are hereinafter provided for.

Be it further enacted, That the residue of the monies received by North-Carolina from the United States, under the provisions of the act of Congress aforesaid, be, and the same are hereby constituted a Fund for the Internal Improvement of this State, and that the Board of Public Works be authorized and directed to subscribe two-fifths of the Capital Stock of the Wilmington and Raleigh, and Fayetteville and Western Rail Roads, or such other sum, in just proportion between the said Companies, as the Fund hereby created shall enable the said Board to subscribe, whenever three-fifths of said stock shall be subscribed by individual subscribers, and twenty-five per centum on each share so subscribed, shall have been paid.

Upon this question Mr. Edwards called for the Yeas and Nays, which was decided in the negative—Yeas 19, Nays 26.

Those who voted in the affirmative, are:

MESSRS. Albright, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave Jones, Kelly, Mebane, Melchor, Moody, Moore, McCormick, Polk, Reding, Reinhardt, Skinner and Taylor—19.

Those who voted in the negative, are:

MESSRS. Arrington, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Joyner, Kerr, Marsteller, Moseley, Moye, Morehead, Myers, Reid, Sanders, Spruill, Williams and Whitaker—26.

Whereupon, Mr. J. W. Bryan moved that the bill be laid on the table; and the question recurring thereon, it was decided in the affirmative—Yeas 27, Nays 18.

Mr. Houlder demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are :

MESSRS. Bryan, of Carteret and Jones, Carson, Cowper, of Gates and Chowan, Davidson, Dobson, Dockery, Gudger, Hargrave, Hawkins, Hussey, Joyner, Jones, Kelly, Melchor, Moody, Moseley, Moye, Moore, McCormick, Myers, Polk, Reid, Reding, Reinhardt, Spruill, Taylor and Whitaker—27.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bunting, Cooper, of Martin, Edwards, Exum, Fox, Hall, Houlder, Kerr, Marsteller, Mebane, Morehead, Sanders, Skinner and Williams—18.

So the bill was laid upon the table.

Received from the House of Commons, the resignation of Thomas G. Polk, as a Justice of the Peace for the county of Rowan ; which was read and accepted.

On motion of Mr. Exum, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 16, 1837.

Mr. Taylor, from the Committee on Education and the Literary fund, to whom was referred the memorial of the Trustees of Donaldson Academy and Manual labor School, reported unfavorably to the prayer of the memorialists, and asked to be discharged from the further consideration of the subject. The Committee was discharged accordingly.

On motion of Mr. Moyer, the Senate proceeded to consider the bill, entitled a bill to authorize William L. Blount and his associates, to erect a bridge across Great Contentnea Creek near Washington's Ferry on said Creek, which was read the second time, and, on motion of Mr. Moyer, amended and passed. The bill was then read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, concurring in the proposition of the Senate, to increase the Committee on enrolled bills, and informing the Senate that Messrs. Blount, Brummell, Cansler, Clement, Covington, Gilliam, Granberry, Howard, Jefferson, Patton, Satterthwaite and E. Jordan, form their branch of the Committee.

Whereupon, the Speaker announced to the Senate, that Messrs. Moseley, Davidson, Taylor, Moore, Arrington and Marsteller, form our branch of the Committee on enrolled bills, and the House of Commons was informed thereof by message.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred the bill for the better security of per-

sonal liberty, being No. 114 of the Revised Code, reported the said bill to the Senate with the following amendment, to-wit:

Strike out in the second line of the first section of the bill the following words, "unless for treason or felony plainly expressed in the warrant of commitment." The Committee was then discharged from the further consideration of the subject.

Thereupon, the bill was read the third time, as amended, and passed, and ordered to be engrossed.

Mr. Moseley presented a Resolution in favor of the Door-keepers, which was read three times and passed, and ordered to be engrossed.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to provide for the investment and safe-keeping of the monies, which shall be deposited with this State, under the act of Congress to regulate the deposites of the public money, which was read the third time.

Thereupon, Mr. J. W. Bryan moved to strike out all after the words "a bill," and insert in lieu thereof a substitute therefor, embracing the two-fifths system.

The question recurring thereon, it was decided in the negative, Yeas 23, Nays 24.

Mr. Edwards demanding the Yeas and Nays, were as follows, to-wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Marteller, Melchor, Moody, Moseley, Moore, McCormick, Polk, Reding, Spruill and Taylor—23.

Those who voted in the negative, are:

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Mebane, Moye, Morehead, Myers, Reid, Reinhardt, Sanders, Skinner, Williams and Whitaker—24.

Whereupon, Mr. Hargrave moved that the bill lie on the table, which was decided in the negative, Yeas 17, Nays 30.

Mr. Sanders called for the Yeas and Nays, which were as follows, to wit :

Those who voted in the affirmative, are :

Messrs. Albright, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Jones, Kelly, Melchor, Moore, McCormick, Polk, Reding and Taylor—17.

Those who voted in the negative, are :

Messrs. Arrington, Baker, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Joyner, Kerr, Marsteller, Mebane, Moody, Moseley, Myers, Morehead, Moye, Reid, Reinhardt, Sanders, Skinner, Spruill, Williams and Whitaker—30.

The question then recurred on the passage of the bill the third reading, which was decided in the affirmative, Yeas 26, Nays 21.

Upon this question, Mr. Edwards called for the Yeas and Nays, which were as follows, to-wit :

Those who voted in the affirmative are :

Messrs. Arrington, Baker, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Dobson, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Joyner, Kerr, Marsteller, Mebane, Moody, Moseley, Moye, Morehead, Reinhardt, Sanders, Skinner and Spruill—26.

Those who voted in the negative, are :

Messrs. Albright, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dockery, Gudger, Hall, Hargrave, Jones, Kelly, Melchor, Moore, McCormick, Myers, Polk, Reid, Reding, Taylor, Williams and Whitaker—21.

The bill was then ordered to be engrossed.

Mr. Dobson presented the following Preamble and Resolution, to-wit :

Whereas, Surveys and Estimates are not only necessary to the successful construction of each particular line of Rail Road, but essential to enlightened legislation with respect to a general system of Internal Improvements,

Be it therefore Resolved, That the Board of Internal Improvement be authorized and directed to cause accurate surveys and estimates to be made by competent Engineers, for the purpose of ascertaining the best routes and probable cost of the construction of a Rail Road from Fayetteville, to the Yadkin River, in the direction to Beattie's Ford, and from said line to Wilkesborough ; and that the sum of thousand dollars be appropriated for this purpose.

Which was read and referred to the Committee on Internal Improvements.

The Senate proceeded to consider a bill, entitled a bill to amend an act passed in the year 1833, entitled an act to establish a Bank in the State of North-Carolina; which was read the first time, passed, and read the second time.

Thereupon, Mr. J. W. Bryan moved the following amendment, as an additional section, to-wit:

Be it further enacted, That in case the stockholders of the said Bank should refuse to accept this amendment of the Charter, upon the terms therein prescribed, the amount of monies appropriated by the State, to be invested therein, shall be placed to the credit of the Public Treasurer, to be disposed of according to the third and fourth sections of an act, entitled an act to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money, passed at this session of the General Assembly.

Which was agreed to. The bill then passed the second and third readings as amended, and was ordered to be engrossed.

The Senate proceeded to consider a bill, entitled a bill concerning the Bank of Cape Fear; which was read the first time and passed, and read the second time.

Thereupon, Mr. Joyner moved to strike out, in the tenth section and first line, the word "hereafter," and insert the words "within five years from the passage of this act, and not thereafter;" which was agreed to.

Mr. Morehead further moved to strike out the eleventh section; which was agreed to.

Mr. J. W. Bryan proposed the same amendment to this bill which he offered to the State Bank Bill; which was adopted.

The bill then passed its second and third readings, as amended, and was ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and

Resolution, in which they ask the concurrence of the Senate, to wit :

A bill to incorporate the town of Rolesville; a Resolution in favor of Wm. Thompson.

Which were read three times, passed, and ordered to be enrolled.

Mr. Morehead presented a bill, entitled a bill to alter the time of holding the Superior Courts of Law and Equity for the counties of Stokes and Guilford; which was read three times and passed, and ordered to be engrossed.

Also a bill, entitled a bill to alter the time of holding the Courts of Pleas and Quarter Sessions for the county of Caswell; which was read three times and passed, and ordered to be engrossed.

Mr. Joyner presented the following Resolution, to wit :

Resolved, That the Public Treasurer be authorized and directed to pay to Leander Truitt, one dollar per day, for his services as Messenger to the Senate and Assistant Doorkeeper, the present session--and that he be allowed the same in the settlement of his Public Accounts.

Which was read three times, passed, and ordered to be engrossed.

Mr. Marsteller presented the following Resolution, to wit :

Resolved, That from and after to-morrow, no bill shall be introduced by any member of this body, during the balance of this session, without the consent of two-thirds of said body, first had and obtained.

Which was read, and not agreed to.

Mr. Taylor presented the following Resolution, to-wit:

Resolved, That hereafter, it shall be the duty of the Principal Clerks of the Senate and House of Commons, to appoint the Engrossing Clerks for both branches of the Legislature.

Which was read, and, on motion of Mr. Taylor, ordered to lie on the table.

On motion of Mr. Carson, the Senate proceeded to consider the bill, entitled a bill to erect a county by the name of Cleveland, out of parts of Lincoln and Rutherford.

Thereupon, Mr. Spruill moved that said bill be postponed indefinitely.

The question recurring thereon, it was decided in the affirmative—Yeas 26, Nays 17.

Mr. Marsteller called for the Yeas and Nays, which were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Arrington, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Dockery, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Joyner, Marsteller, Moody, Moseley, Moye, Reinhardt, Sanders, Skinner, Spruill, Taylor, Williams and Whitaker—26.

Those who voted in the negative, are:

MESSRS. Albright, Baker, Carson, Davidson, Dobson, Gudger, Hargrave, Jones, Kelly, Melchor, Morehead, Moore, McCormick, Myers, Polk, Reid and Reding—17.

So the bill was postponed indefinitely.

The Senate proceeded to consider a bill to incorporate the Roanoke Valley Rail Road Company; which was, on motion of Mr. Joyner, rejected.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 17, 1837.

On motion of Mr. J. W. Bryan,

Ordered, That a message be sent to the House of Commons, proposing to ballot immediately for a Trustee of the University, to supply the vacancy occasioned by the resignation of P. W. Kittrell; and informing that House that Col. Andrew Joyner is in nomination for the appointment.

Mr. Hawkins, from the joint select Committee, to whom was referred the repairs of the Governor's House, the furniture for the same, and the repairs for the out Houses, and the enclosures of the grounds, reported the following Resolution, to wit :

Resolved, That the sum of five thousand dollars be paid by the Public Treasurer, for the repairs of the Government House, out buildings and enclosures, and for furniture to furnish the same, to be drawn by warrant from the Governor, and expended by his directions.

Which was read three times, passed, and ordered to be engrossed.

Mr. J. W. Bryan presented the following Resolution, to wit :

Resolved, That the Public Treasurer be, and he is hereby authorised to pay to the Hon. Richard D. Spaight, late Governor of this State, the sum of four hundred dollars, in payment of the balance of salary due him, for the additional time he was compelled to perform the duties of Governor, according to the Ordinance of the late Convention, and for the use of the Government House by the General Assembly.

Which was read three times, passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot immediately for a Trustee of the University, and informing the Senate that Messrs. Adams and Byrd, are the Committee on the part of that House.

Whereupon, the Speaker announced to the Senate that Messrs. Burney and Marsteller, form our branch of the Committee to superintend said election ; and the House of Commons was informed thereof by message.

Mr. Marsteller, from the Committee on the part of the Senate, to conduct the balloting for Trustee of the University, reported that Andrew Joyner, having received a majority of the whole number of votes given, is duly elected ; in which report, the Senate concurred.

Thereupon, the Committee was discharged from the further consideration of the subject.

Mr. J. W. Bryan, from the Judiciary Committee, to whom was referred Bill, No. 2, of the Revised Code, concerning Entries and Grants of Land, reported the same bill to the Senate ; which was read the second time.

Thereupon, Mr. J. W. Bryan moved to strike out the amendment marked "A."

The question recurring thereon, it was decided in the affirmative. The bill then passed its third reading as amended.

Mr. Reinhardt moved that the Senate do now re-consider the vote of yesterday, by which was passed the bill, entitled a bill to provide for the investment and safe-keeping of the monies which shall be deposited with this State, under the Act of Congress, "to regulate the deposits of the public money."

Upon this question, Mr. Edwards demanded the Yeas and Nays; and the question recurring thereon, it was decided in the negative—Ayes 22, Nays 23.

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Jones, Kelly, Melchor, Moseley, Moore, McCormick, Myers, Polk, Reding, Reinhardt, and Taylor—22.

Those who voted in the negative, are :

MESSRS. Arrington, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Joyner, Kerr, Marsteller, Moody, Moye, Reid, Sanders, Skinner, Spruill, Williams and Whitaker—23.

So the Senate refused to reconsider said bill.

On motion of Mr. J. W. Bryan, the Senate proceeded to consider the bill No. 86, of the Revised Code, concerning Limitations; which was read the third time.

Thereupon, Mr. J. W. Bryan moved the following Proviso, to the end of the first section, to wit :

Provided also, That if in any action of ejectment for the recovery of any lands, tenements, or hereditaments, judgment be given for the Plaintiff, and the same be reversed for error, or a verdict pass for the Plaintiff, and upon matter alledged in arrest of Judgment, the judgment be given against the Plaintiff, that he take nothing by his plaint, writ, or bill, or a verdict be given against the Plaintiff, in all such cases, the party Plaintiff, his Heirs or Executors, as the case shall require, may commence a new action or suit, from time to time, within one year after such judgment reversed, or judgment given against the Plaintiff.

The question recurring thereon, it was decided in the

affirmative. The bill then passed, as amended, and ordered to be enrolled.

On motion of Mr. Marsteller, an appeal from the decision of the Chair was taken, whether it was in order, to lay on the table, an engrossed bill, amended in the House of Commons, and returned to the Senate for its concurrence in said amendments.

Upon this motion, Mr. Cooper, of Martin, demanded the Yeas and Nays; and the question recurring thereon, it was decided against the decision of the Chair.

Those who voted to sustain the decision of the Chair, are :

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Joyner, Jones, Melchor, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner and Taylor—19.

Those who voted in the negative, are :

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Buraey, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hargrave, Hawkins, Houlder, Hussey, Kerr, Kelly, Marsteller, Moody, Moseley, Moye, McCormick, Reid, Sanders, Spruill, Williams, and Whitaker—27.

Mr. Baker presented the following Preamble and Resolution, to wit :

Whereas, John and Thomas Webb, of the county of Yancy, through their Agent, Thomas Baker, have overpaid into the Treasury of this State, in their purchase money for the entry of land, the sum of seven dollars and fifty cents. Therefore

Resolved, That the Public Treasurer refund to the said Thomas Baker, agent as aforesaid, the sum of seven dollars and fifty cents, overpaid as aforesaid.

Which was read three times, passed, and ordered to be engrossed.

On motion of Mr. Spruill,

Ordered, That Mr. Skinner have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on cer-

tain terms and conditions, with sundry amendments; in which they ask the concurrence of the Senate.

The amendment marked A. was read. Thereupon, Mr. Reid moved the following as an amendment thereto, to wit:

“But nothing herein contained, shall be so construed, as to prevent the Legislature of this State from repealing, altering, or amending this act, at any time hereafter.”

The question recurring thereon, it was decided in the negative. There being an equal division, the Speaker voted in the negative, and the amendment was lost.

Mr. Fox demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

MESSRS Arrington, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Moody, Moye, McCormick, Reid, Williams and Whitaker—23.

Those who voted in the negative, are:

MESSRS Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, and Taylor—23.

Mr. Kelly moved the following Proviso to the first amendment, to wit:

Provided, That no Note or Bill shall be allowed to be issued by the Branch in this State, which shall not be payable at the said Branch.

Which was agreed to.

Whereupon, the amendment marked B., was read and concurred in.

Thereupon, Mr. Marsteller moved the following amendment thereto, to wit: Add the words, *none but citizens of the United States shall be Stockholders.*

The question recurring thereon, it was decided in the affirmative, Yeas 26, Nays 21.

Mr. Cooper, of Martin, demanding the Ayes and Noes, were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Arrington, Barnett, Bryan, of Craven, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Moody, Moye, McCormick, Reid, Sanders, Spruill, Williams and Whitaker—26.

Those who voted in the negative, are:

Messrs. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, and Taylor—21.

Whereupon, Mr. Marsteller moved that the bill and amendments be laid on the table.

The question recurring thereon; it was decided in the negative—Yeas 24, Nays 23.

The Speaker voting in the negative, making an equal division, consequently the motion was lost.

Mr. Kerr called for the Ayes and Noes, which were ordered.

Those who voted in the affirmative are :

Messrs. Arrington, Barnett, Bryan, of Craven, Bunting, Burney, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hall, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Moody, Moye, McCormick, Reid, Williams and Whitaker—24.

Those who voted in the negative, are :

Messrs. Albright, Baker, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Sanders, Skinner Spruill, and Taylor—23.

So the amendments proposed by the House of Commons were concurred in.

Mr. J. W. Bryan presented the following Resolution, to wit :

Resolved, That the Committee on Internal Improvement, be instructed to enquire into the expediency of reporting a bill making an appropriation for a survey of the Central Rail Road route, from Beaufort to the termination of the Fayetteville and Yadkin Rail Road, at the town of Fayetteville:

Which was read and adopted.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the memorial of several hundred citizens of Fayetteville, praying the Legislature to authorise a subscription of two-fifths of the Capital necessary to construct a Rail Road from Fayetteville to the Yadkin river, whenever three-fifths thereof shall have been

subscribed by individuals, reported a bill making an appropriation in favor of the Fayetteville and Western Rail Road Company ; which was read the first time and passed. Read the second time. The question recurring thereon, it was decided in the affirmative—Yeas 24, Nays 17.

Mr. Skinner demanding the Yeas and Nays, were as follows, to-wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan of Carteret and Jones, Bunting, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hussey, Joyner, Jones, Kelly, Melchor, Moseley, Morehead, Moore, McCormick, Myers, Polk, Reding, Reinhardt and Taylor—24.

Those who voted in the negative, are:

MESSRS. Arrington, Bryan of Craven, Edwards, Exum, Hall, Hargrave, Houlder, Kerr, Lindsay, Marsteller, Moody, Moye, Reid, Sanders, Skinner, Spruill and Williams—17.

The bill then passed its second and third reading, and ordered to be engrossed.

The Senate then adjourned until four o'clock, P. M.

FOUR o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz :

No. 115, concerning Inspections and Public Landings ; No. 90, concerning Courts of Justice ; No. 104, concerning Roads, Ferries and Bridges ; No. 112, concerning Public Arms ; No. 103, concerning the General Assembly ; No. 105, Slaves and Free Persons of Colour ; No. 102, Appeals and Proceedings in the nature of Appeals.

In which they ask the concurrence of the Senate.

No. 115, concerning Inspections and Public Landings, was read three times, amended and passed, and ordered to be enrolled.

All of the above named bills were severally read three times and passed, and ordered to be enrolled.

On motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 18, 1837.

Mr. Polk, from the Committee on Finance to whom was referred the Report of the Public Treasurer, reported the following Resolution :

Resolved, That the Public Treasurer be allowed a credit for the sum of one hundred and eighty-four dollars and eighty cents, the amount of Treasury notes burnt, in the settlement of his Public accounts.

Which was read three times and passed, and ordered to be engrossed.

Mr. Polk, from the same Committee, to whom was referred a resolution instructing them to enquire into the propriety of making a suitable compensation to the Public Treasurer, for additional services performed by him in relation to the Cherokee bonds, as well as additional labor and expense incurred in preparing the scrip for the State loan of four hundred thousand dollars, reported the following Resolution, viz :

Resolved, That Samuel F. Patterson, Public Treasurer, be allowed the sum of two hundred dollars for extra services in taking Cherokee bonds.

Which was read three times, passed, and ordered to be engrossed.

Mr. Cooper, of Martin, presented the following Preamble and Resolution, to-wit :

Whereas, This General Assembly has caused the Revised Statute laws of North-Carolina, to be re-enacted, and here become the laws of the land, and the acts of this General Assembly.

Be it therefore Resolved, That it shall be the duty of the Secretary of State, to have the same bound in a book, with a reasonable quality of leather, and that he transmit one copy of the said laws to each Member of the Legislature, and one copy to each Justice of the Peace, within the several counties of this State, and one to each of the Clerks of the County and Superior Courts within this State, and that the Treasurer shall, on the warrant of the Governor, pay to the Secretary of State, the amount of the increased expense for usual copies of the Acts of Assembly.

Which was read the first time and passed, and ordered to lie on the table.

Mr. Marsteller presented the following Resolution, viz:

Resolved, That the Public Treasurer pay^{to} Thomas G. Scott, P. M. in the City of Raleigh, the amount of postage incurred by the Speakers of the two Houses of this General Assembly, in their official capacity, and that he be allowed a credit for the same, in the settlement of his public accounts.

Which was read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to amend the Charter of the Portsmouth and Roanoke Rail Road Company, with sundry amendments; which were severally read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, with sundry amendments; which were severally read and concurred in.

Received from the House of Commons a message, transmitting to the Senate a message from his Excellency the Governor, with a communication from the Executive of the State of Georgia, which was read, and, on motion of Mr. Moseley, ordered to lie on the table, and, on his motion, ordered to be printed.

Mr. Joyner, from the Committee on Internal Improvement to whom was referred the Resolution of the Senate, directing the Committee to cause surveys and estimates to be made of the most suitable route for a Rail Road, from the Town of Fayetteville to the Yadkin river, reported that the purpose contemplated by the said Resolution has been fully accomplished, so far as the same depended on the action of your Committee, by the bill accompanying the report of said Committee on the memorial of sundry citizens of the Town of Fayetteville, and therefore, asked to be discharged from its further consideration.

The Committee was discharged accordingly.

Received from the House of Commons, a message stating that they have passed the engrossed bill, prescribing the mode of surveying and selling the lands of this State

lately acquired by Treaty from the Cherokee Indians, with sundry amendments, which were severally read and concurred in.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution in favor of the legal representatives of the late George W. Montgomery, and ask the concurrence of the Senate therein. Said Resolution was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit :

A bill to provide for draining the Matamuskeet Lake in Hyde county ; a bill to incorporate the Raleigh and Columbia Rail Road Company ; also, a bill to encourage the Culture and Manufacture of Silk and Sugar, and ask the concurrence of the Senate therein.

The first named bill was read three times, passed, and ordered to be enrolled.

The bill to encourage the Culture and Manufacture of Silk and Sugar, was read the first time and passed, read the second time and amended, and, on motion of Mr. Cooper, of Martin, ordered to lie on the table.

Mr. Carson asked leave to withdraw from the file of the Senate, the papers relative to the county of Cleveland, which was granted.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the Resolution directing the Committee to enquire into the expediency of making an appropriation to complete a Road across the Iron Mountain, in the county of Yancy, reported a bill making an appropriation in favor of constructing a Road over the Iron Mountain, in the county of Yancy; which was read the first and second times, passed, and read the third time.

The question recurring thereon, it was decided in the affirmative—Yeas 28, Nays 11.

Mr. Exum called for the Yeas and Nays, which were as follows, to-wit:

Those who voted in the affirmative, are:

MESSENGERS. Albright, Arrington, Baker, Barnett, Bryan, of Craven, Bryan, of

Carteret and Jones, Bunting, Carson, Cowper, of Gates and Chowan, Davidson, Dobson, Dockery, Edwards, Gudger, Hargrave, Joyner, Jones, Kerr, Kelly, Melchor, Moseley, Morehead, McCormick, Myers, Reid, Reding, Spruill and Williams—28.

Those who voted in the negative, are:

MESSRS. Cooper, of Martin, Exum, Houlker, Hussey, Marsteller, Moody, Moye, Polk, Sanders, Taylor and Whitaker—11.

The bill then passed its third reading, and was ordered to be engrossed.

The bill to incorporate the Raleigh and Columbia Rail Road Company was read the first time and passed, and, on motion of Mr. Joyner, referred to the Committee on Internal Improvement.

Mr. Spruill moved that the Senate do now re-consider the vote of yesterday, by which were passed sundry amendments to the amendments made by the House of Commons to the engrossed bill, entitled a bill conferring Banking Privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, and for other purposes.

The question recurring thereon, it was decided in the affirmative—Yeas 23, Nays 22.

Mr. Exum demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Burney Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, Spruill and Taylor—23.

Those who voted in the negative, are :

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hawkins, Houlker, Hussey, Kerr, Kelly, Marsteller, Moody, Moye, McCormick, Reid, Sanders, Williams and Whitaker—22.

Whereupon, the amendment proposed by Mr. Kelly, to-wit: "*Provided*, That no note or bill shall be allowed to be issued by the Branch in this State, which shall not be payable at said Branch"—was read, and the question recurring on its adoption, it was decided in the negative—Yeas 22, Nays 24.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are:

MESSRS. Arrington, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Moody, Moye, McCormick, Reid, Sanders, Williams and Whitaker—22.

Those who voted in the negative, are:

MESSRS. Albright, Baker, Barnett, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Skinner, Spruill, and Taylor—24.

Mr. Marsteller then moved the following amendment, to-wit:

“And the said Bank, at its Branch in this State, shall redeem the Notes of the Principal Bank and any of its Branches, with specie, whenever demanded—which should they fail to do, this Charter is hereby declared to be forfeited.”

The question recurring on its adoption, it was decided in the negative—Yeas 22, Nays 24.

Mr. Edwards called for the Yeas and Nays, which were ordered.

Those who voted in the affirmative, are:

MESSRS. Arrington, Barnett, Bryan, of Craven, Bunting, Cowper, of Gates and Chowan, Cooper, of Martin, Edwards, Exum, Fox, Hawkins, Houlder, Hussey, Kerr, Kelly, Lindsay, Marsteller, Moody, Moye, McCormick, Reid, Williams and Whitaker—22.

Those who voted in the negative, are:

MESSRS. Albright, Baker, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Melchor, Moseley, Morehead, Moore, Myers, Polk, Reding, Reinhardt, Sanders, Skinner, Spruill, and Taylor—24.

Whereupon, the following amendment proposed by Mr. Marsteller, to-wit: “None but citizens of the United States shall be Stockholders”—was read, and not agreed to.

So the amendments to said bill, proposed by the House of Commons, were concurred in, and the bill was transmitted thereto.

On motion of Mr. Morehead,

Ordered, That Mr. Kerr have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, proposing that the joint Resolution appointing this day for the final adjournment of the Legislature, be rescinded ; which was read and concurred in.

On motion of Mr. Reinhardt, the Senate adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

Received from the House of Commons a message, stating that they have passed the following Revised bills, viz:

No. 65, concerning Insolvent Debtors ; No. 110, concerning Widows ; No. 101, Execution and Execution Sales ; No. 25, Wills and Testaments ; No. 8, concerning Divorce and Alimony ; No. 100, concerning Crimes and Punishments.

In which they ask the concurrence of the Senate.

The above named bills, except No. 100, were severally read three times, passed, and ordered to be enrolled.

No. 100, concerning Crimes and Punishments, was read the first and second times, amended and passed, read the third time and passed, and ordered to be enrolled.

The Senate proceeded to consider bill No. 2, of the Revised Code, concerning Entries and Grants of Land ; which was read the third time and passed, and ordered to be enrolled.

On motion of Mr. Edwards,

Ordered, That Mr. Reinhardt have leave of absence, from and after to-morrow, from the service of the Senate, the remainder of the Session.

On motion of Mr. J. W. Bryan, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 19, 1837.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the Resolution, instructing the Committee to enquire into the expediency of reporting a bill making an appropriation for a survey of the Central Rail Road route from Beaufort to the termination of the Fayetteville and Western Rail Road at the town of Fayetteville, reported a bill entitled a bill making an appropriation in favor of the North-Carolina Central Rail Road Company, and asked to be discharged from its further consideration. The Committee was discharged accordingly ; whereupon the bill was read the first time and passed, and then read the second time. The question recurring thereon, it was decided in the affirmative, Yeas 23—Nays 10.

Mr. Edwards demanding the Yeas and Nays, were as follows, to-wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Carson, Davidson, Dobson, Gudger, Hargrave, Hussey, Joyner, Kelly, Melchor, Moseley, Morehead, Moore, McCormick, Myers, Reding, Sanders and Taylor—23.

Those who voted in the negative, are :

MESSRS. Arrington, Edwards, Exum, Houlder, Moye, Reid, Reinhardt, Spruill, Williams and Whitaker—10.

The bill then passed its second and third readings, and ordered to be engrossed.

Mr. Carson presented the following Resolution, to-wit:

Resolved, That the Principal Clerks of the two Houses be authorized to employ six or more Clerks, to assist the engrossing Clerks, to bring up the arrears of business in their hands, preparatory to the adjournment of this General assembly, at a price not exceeding six dollars per day.

Which was read and adopted, and ordered to be engrossed.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred a bill "entitled a bill," to incorporate the Raleigh and Columbia Rail Road Company, reported that the bill contains the usual provision of all similar acts, and recommended its passage, with an amendment, to-wit : Add the following, as an additional section:

Be it further enacted, That it shall be the duty of the said Company, to construct the said Rail Road by such route as may be deemed most eligible from Raleigh to Fayetteville, and from thence by the most eligible route to the dividing line between the States of North and South Carolina.

The question recurring on the adoption of the amendment, it was decided in the negative, Yeas 14, Nays 25.

Mr. Cooper, of Martin, demanding the Yeas and Nays, were as follows, viz:

Those who voted in the affirmative, are :

MESSRS. Arrington, Bunting, Burney, Davidson, Dobson, Hargrave, Hussey, Joyner, Marsteller, Morehead, Moore, McCormick, Myers and Sanders—14.

Those who voted in the negative, are:

MESSRS. Albright, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Carson, Cowper, of Gates and Chowan, Cooper, of Martin, Dockery, Edwards, Exum, Gudger, Hawkins, Houlder, Kelly, Melchor, Moody, Moseley, Moye, Reid, Reding, Reinhardt, Spruill, Taylor, Williams and Whitaker—25.

Mr. McCormick moved the following amendment viz :

Be it further enacted, That in determining the route for the said Rail Road from the City of Raleigh to the dividing line of the States of North and South Carolina, none but *bona fide* Stockholders, resident in the State of North Carolina, shall be permitted to vote on the question.

Which was read, and not agreed to.

Thereupon, the bill was read the second time and passed, and read the third time.

Mr. Taylor moved to lay the bill on the table.

The question recurring thereon, it was decided in the affirmative—Yeas 19, Nays 17.

Mr. Kelly demanding the Ayes and Noes, were as follows, to wit :

Those who voted in the affirmative, are :

MESSRS. Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Burney, Davidson, Dobson, Dockery, Gudger, Hargrave, Hussey, Joyner, Marsteller, Melchor, Moore, McCormick, Myers, Spruill and Taylor—19.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Carson, Cowper, of Gates and Chowan, Cooper,

of Martin, Edwards, Exum, Hawkins, Houlder, Kelly, Moody, Reid, Reding, Reinhardt, Sanders Williams and Whitaker—17.

So the bill was laid upon the table.

Received from the House of Commons a message, stating that they have passed the engrossed Resolution, relative to the Governor's House, with an amendment.

Which was read and not concurred in.

On motion of Mr. Morehead,

Ordered, That Mr. Dockery have leave of absence from the service of the Senate, from and after to-morrow.

On motion of Mr. Taylor,

Ordered, That Mr. Dodge, Assistant Clerk to the Senate, have leave of absence from and after Saturday next, the remainder of the session.

Received from the House of Commons a message stating that they have passed the engrossed Resolution, in favor of Kenneth Rayner.

Which was read three times, passed and ordered to be enrolled.

Received from the House of Commons the resignation of Lewis Y. Christmass, as a Justice of the Peace for the county of Warren; which was read and accepted.

Received from the House of Commons a message, concurring in the amendment proposed by the Senate, to the engrossed bill to incorporate the Mutual Insurance Company of Fayetteville; also the amendments to the Revised Bills, Nos. 115 and 86. *Ordered* that said bills be enrolled.

Mr. J. W. Bryan presented a bill, entitled a bill to authorise and empower the Commissioners of Fayetteville, to raise, by way of loan, the sum of two hundred thousand dollars; which was read the first and second times and passed. Read the third time. The question recurring thereon, it was decided in the affirmative—Yeas 28, Nays 7.

Mr. Cooper, of Martin, demanding the Ayes and Noes were as follows, to wit:

Those who voted in the affirmative, are:

Messrs. Albright, Bryan, of Craven, Bryan, of Carteret and Jones, Bun-

ting Burney, Dobson, Dockery, Gudger, Hargrave, Hussey, Joyner, Kelly, Marsteller, Melchor, Moody, Moseley, Moye, Morehead, McCormick, Myers, Polk, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams, and Whitaker—28.

Those who voted in the negative, are :

MESSRS. Arrington, Cowper, of Gates and Chowan, Edwards, Exum, Hawkins, Houlder and Reid—7.

Ordered, that said bill be engrossed.

On motion of Mr. Kelly,

Ordered, That Mr. Myers have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, concurring in the amendments proposed by the Senate, to the Revised Bills, Nos. 2, and 100. *Ordered* that said bills be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill to incorporate the North Carolina Central Rail Road Company, with an amendment; and asking the concurrence of the Senate therein; which was read and agreed to.

Mr. Polk, from the Committee of Finance, respectfully reported, that Daniel W. Courts, the Treasurer elect, having executed the bonds required by law, took the prescribed Oaths on the 18th day of January, 1837; and, on the morning of the 19th of the same month, commenced the duties of his office. He received from Samuel F. Patterson, late Public Treasurer, all the books, papers, furniture, and effects of every description belonging to the Office of Public Treasurer, together with all the public money's on hand on said day, amounting to the sum of fifty-five thousand one hundred and thirteen dollars and six cents.

Which was read and the Committee discharged from further consideration of the subject.

Ordered, That said Report be transmitted to the House of Commons, with a proposition that it be printed and attached to the laws.

Received from the House of Commons, the resignation

of Daniel A. Paschall, as Major of the 38th Regiment of North Carolina Militia.

Which was read and accepted.

On motion of Mr. Moore, the Senate adjourned until half past three o'clock, P. M.

Half past Three o'clock, P. M.

The Senate proceeded to consider the engrossed bill entitled a bill to encourage the culture and manufacture of Silk and Sugar ; which was read the second time, amended on motion of Mr. J. W. Bryan, and passed, read the third time and passed, and ordered to be enrolled.

On motion of Mr. J. W. Bryan,

Ordered, That Mr. Spruill have leave of absence from the service of the Senate, from and after Saturday next, the remainder of the session.

On motion of Mr. Polk,

Ordered, That Mr. Gudger have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

On motion of Mr. Marsteller,

Ordered, That Mr. Sanders have leave of absence from the service of the Senate, from and after Saturday next.

Received from the House of Commons a message, stating that they have passed the Revised bill, No. 7, concerning Bastardy :

In which they ask the concurrence of the Senate.

Said bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill making an appropriation in favor of constructing a Road over the Iron Mountain, in Yancy county.

Received from the House of Commons a message, stating that they have rejected the following engrossed bills, to-wit:

A bill to restore any person convicted of an infamous crime to the rights of citizenship; also, a bill allowing the several County Courts of this State to make compensation to Tales Jurors.

Received from the House of Commons a message, concurring in the Report of the Committee of Conference upon the Revised bill, No. 6.

Ordered, That said bill be enrolled.

On motion of Mr. Edwards, the Senate proceeded to consider the bill, entitled a bill to incorporate the Raleigh and Columbia Rail Road Company; which was read the third time.

Thereupon, Mr. Joyner moved to amend the bill, by striking out in the 30th section and 10th line, the word "eight," and insert in lieu thereof, the word "six."

Which was agreed to.

The question then recurring on the passage of the bill as amended, it was decided in the affirmative—Yeas 26, Nays 10.

Mr. Hargrave demanding the Yeas and Nays, which were ordered.

Those who voted in the affirmative, are:

Messrs. Albright, Arrington, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Dockery, Edwards, Exum, Gudger, Hawkins, Houlder, Kelly, Melchor, Moody, Moseley, Morehead, Reid, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams and Whitaker—26.

Those who voted in the negative, are:

Messrs. Bunting, Dobson, Hargrave, Hussey, Marsteller, Moya, Moore, McCormick, Myers and Polk—10.

The Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 20, 1837.

On motion of Mr. Arrington,

Ordered, That Mr. Moya have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolutions, to wit :

A bill to prevent frauds on the Cherokee Indians residing in this State ; a Resolution in favor of John B. Jasper ; also, a Resolution concerning Contingent expences ; in which they ask the concurrence of the Senate.

The bill to prevent frauds on the Cherokee Indians residing in this State ; also, the Resolution concerning Contingent expences, were each read three times and passed, and ordered to be enrolled.

The Resolution in favor of John B. Jasper, was read the first time and passed. Read the second time and rejected.

On motion of Mr. Taylor, the Senate proceeded to consider the Resolution relative to the appointment of Engrossing Clerks hereafter ; which was read and rejected.

Received from the House of Commons a message, stating that they have rejected the engrossed bill, authorising the Courts of Pleas and Quarter Sessions of Cumberland county, to lay off the Public roads in said county into Districts, and for other purposes.

On motion of Mr. Reinhardt, the Resolution in favor of John B. Jasper, was re-considered.

Thereupon, on motion of Mr. Dobson, was ordered to lie on the table.

Received from the House of Commons a message, stating that they recede from their amendment, to the engrossed Resolution relative to the Government House.

On motion of Mr. Moseley,

Ordered, That Mr. Exum have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

And, on motion of Mr. Bunting,

Ordered, That Mr. Marsteller have leave of absence from the service of the Senate, from and after to-morrow, the balance of the session.

Mr. J. W. Bryan presented the following Resolution, to wit :

Resolved, That the Speaker of the Senate cause to be issued a writ of election to the Sheriff of Hertford county, authorising and empowering him to hold an election for Senator, at the several places of election in said county, on the second Thursday in August next, to fill the vacancy occasioned by the death of George W. Montgomery, late Senator from that county.

Which was read and adopted.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the redemption of scrip ; and a bill to aid the Internal Improvements of this State ; and asking the concurrence of the Senate.

The bill to aid the Internal Improvements of this State was read the first time and passed. Read the second time.

Thereupon, Mr. Taylor moved to add the following amendment, after the sixth Section, to wit :

Be it further enacted, That it shall be the duty of the Board of Internal Improvement, to subscribe two hundred thousand dollars in the Stock of the Raleigh and Gaston Rail Road Company, upon the same terms, conditions, and restrictions, as subscriptions are authorised to be made to the Wilmington and Raleigh, the Fayetteville and Western, and the North Carolina Central Rail Road Companies.

Which was read and rejected.

The question then recurring on the passage of the bill, the second reading, it was decided in the affirmative—Yeas 25, Nays 13.

Mr. Arrington called for the Ayes and Noes ; which were ordered.

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Joyner, Jones, Kelly, Marsteller, Melchor, Moseley, Moore, McCormick, Polk, Reding, Reinhardt, Sanders, Spruill, and Taylor—25.

Those who voted in the negative, are :

MESSRS. Arrington, Bunting, Cowper, of Gates & Chowan, Exum, Houlder,

Hussey, Moody, Moyer, Morehead, Myers, Reid, Williams, and Whitaker—13.

The bill being on its third reading, Mr. Reid moved the following amendment to the end of the sixth Section, to wit :

“And two-fifths of the Stock to the Milton and Salisbury Rail Road Company, upon the conditions of the other appropriations before mentioned in this act.”

The question recurring thereon, it was decided in the negative—Yeas 6, Nays 33.

Those who voted in the affirmative are :

MESSRS. Barnett, Bunting, Hussey, Morehead, Moore and Reid—6.

Those who voted in the negative, are :

MESSRS. Albright, Arrington, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Cowper, of Gates and Chowan, Davidson, Dobson, Dockery, Exum, Gudger, Hargrave, Houlder, Joyner, Jones, Kelly, Marsteller, Melchor, Moody, Moseley, Moyer, McCormick, Myers, Polk, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams and Whitaker—23.

Mr. Morehead then moved to strike out Wilmington and Weldon Rail Road, and, upon this question, he demanded the Yeas and Nays, which were as follows, to-wit :

Those who voted in the affirmative, are :

MESSRS. Arrington, Barnett, Cowper, of Gates and Chowan, Houlder, Moyer, Morehead, Myers, Reid, Reding, Williams and Whitaker—11.

Those who voted in the negative, are :

MESSRS. Albright, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Bunting, Burney, Carson, Davidson, Dobson, Dockery, Exum, Gudger, Hargrave, Hussey, Joyner, Jones, Kelly, Marsteller, Melchor, Moody, Moseley, Moore, McCormick, Polk, Reinhardt, Sanders, Spruill, and Taylor—28.

Thereupon, Mr. Morehead moved that the bill be postponed indefinitely, and demanded the Yeas and Nays ; and the question recurring thereon, it was decided in the negative, Yeas 13, Nays 26.

Those who voted in the affirmative, are :

MESSRS. Arrington, Barnett, Bunting, Cowper, of Gates and Chowan, Exum, Houlder, Moody, Moyer, Morehead, Myers, Reid, Williams and Whitaker—13.

Those who voted in the negative, are :

MESSRS. Albright, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Davidson, Dobson, Dockery, Gudger, Hargrave, Hussey, Joyner, Jones, Kelly, Marsteller, Melchor, Moseley, Moore, McCormick, Polk, Reding, Reinhardt, Sanders, Spruill and Taylor—26.

The question then recurring on the passage of the bill, the third and last reading, it was decided in the affirmative—Yeas 26, Nays 13.

Mr. Houlder demanding the Yeas and Nays, were as follows, to-wit :

Those who voted in the affirmative, are :

MESSRS. Albright, Baker, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Dockery, Gudger, Hargrave, Hussey, Joyner, Jones, Kelly, Marsteller, Melchor, Moseley, Moore, McCormick, Polk, Reding, Reinhardt, Sanders, Spruill and Taylor—26.

Those who voted in the negative, are:

MESSRS. Arrington, Barnett, Bunting, Cowper, of Gates and Chowan, Exam, Houlder, Moody, Moye, Morehead, Myers, Reid, Williams and Whitaker—13.

Ordered, That said bill be enrolled.

On motion of Mr. Moore, the Senate adjourned until four o'clock, P. M.

FOUR o'clock, P. M.

The Senate proceeded to consider the engrossed bill, entitled a bill to provide for the redemption of the Scrip issued by the State, under the act of the General Assembly, passed in the year 1835, and entitled an act to provide for the payment of the instalments on the Shares reserved to the State, in the Capital Stock of the Bank of the State of North-Carolina; which was read three times, passed, and ordered to be enrolled.

Received from the House of Commons the following Resolution, in which they ask the concurrence of the Senate, to-wit:

Resolved, by the General Assembly, that the President and Directors of the Literary Fund of North-Carolina be instructed to digest a plan for Common Schools, suited to the condition and resources of this State, and report the same to the next General Assembly.

Which was read and adopted, and ordered to be enrolled.

On motion of Mr. J. W. Bryan,

Ordered, That Mr. Moseley have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the Session.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Bank of Cape Fear; in which they ask the concurrence of the Senate.

The bill was then read the first time and passed, and read the second time.

Thereupon, Mr. Morehead moved to strike out the last section of the bill; which was agreed to.

He further moved the following, as an additional section thereto, to-wit:

Be it further enacted, That in addition to the powers heretofore granted to the said Bank, they shall also have power to deal in bonds and promissory notes payable at the said Bank, or elsewhere, and shall not take more than at the rate of a half per cent for thirty days, for and on account of its loans or discounts; but this clause shall not be so construed as to prevent the charge of a commission for the collection of notes or bills payable without the limits of the State, for the transmission of money by check or draft: *Provided further*, that the said Bank shall not purchase or discount the bond or promissory note of any individual, or corporation payable elsewhere, than at said Bank, at a sum less than the true amount, or than would be the true amount actually due upon an equation of payment on such bond or promissory note.

The question recurring thereon, it was decided in the negative—Yeas 6, Nays 31.

Mr. Joyner demanding the Yeas and Nays, were as follows to-wit:

Those who voted in the affirmative, are:

MESSRS. Carson, Cowper of Gates and Chowan, Hussey, Morehead, McCormick and Myers—6.

Those who voted in the negative, are:

MESSRS. Albright, Arrington, Barnett, Bryan of Craven, Bryan of Carteret and Jones, Bunting, Burney, Davidson, Dohson, Exum, Gudger Hargrave, Houlder, Joyner, Jones, Kelly, Marsteller, Melchor, Moody, Moseley, Moye,

Polk, Reid, Reding, Reinhardt, Sanders, Spruill, Taylor, Williams and Whitaker—31.

The bill then passed its second and third readings, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill, to drain the Swamp Lands of this State, and to create a Fund for Common Schools; in which they ask the concurrence of the Senate.

Said bill was read the first and second times, and passed.

Thereupon, Mr. Reid moved to strike out the words "two hundred thousand dollars;" which was not agreed to.

Whereupon, the bill was read the the third time. The question recurring on its passage, it was decided in the affirmative—Yeas 27, Nays 10.

Mr. Reid demanding the Yeas and Nays, were as follows, to-wit:

Those who voted in the affirmative, are:

Messrs. Albright, Barnett, Bryan, of Craven, Bryan, of Carteret and Jones, Burney, Carson, Davidson, Dobson, Gudger, Hargrave, Hussey, Joyner, Kelly, Marsteller, Melchor, Moody, Moseley, Moye, Moore, McCormick, Myers, Polk, Reinhardt, Sanders, Spruill, Taylor and Williams—27.

Those who voted in the negative, are:

Messrs. Arrington, Baker, Bunting, Cowper, of Gates and Chowan, Exum, Houlder, Morehead, Reid, Reding and Whitaker—10.

Ordered, That said bill be enrolled.

On motion of Mr. Marsteller,

Ordered, That Mr. Lindsay have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

On motion of Mr. J. W. Bryan,

Ordered, That the three bills, disposing of the Surplus Revenue be printed, ten copies for each member.

On motion of Mr. Spruill, the Senate took up the Resolution in favor of John B. Jasper, which was read, and, on motion of Mr. Joyner, ordered to lie on the table.

On motion of Mr. Burney,

Ordered, That a message be sent to the House of Commons, proposing that the two Houses adjourn *sine die* to-morrow night, at 11 o'clock.

The Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 21, 1837.

Mr. McCormick presented the following Resolution, to-wit:

Resolved, That the Governor issue his warrant on the Public Treasurer, in favor of Richard W. Ashton, for such sum as he may think him justly entitled to, in consideration of his services as Superintendant of the Government House.

Which was read the first time and passed, and read the second time.

Thereupon, Mr. McCormick moved to amend the Resolution by inserting the words, "shall not exceed two hundred dollars."

Which motion did not prevail.

Whereupon, on motion of Mr. J. W. Bryan, the Resolution was ordered to lie on the table.

Mr. Carson presented the following Resolution, to-wit:

Resolved, That the Secretary of State have re-bound such old Record books in his Office as require it, and that the Public Treasurer pay for the same on the Secretary's certificate.

Which was read three times and passed, and ordered to be engrossed.

Mr. J. W. Bryan presented a bill, entitled a bill to amend an act, entitled an act to aid Internal Improvements in this State, passed at the present session; which was read three times, and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they concur in the first amendment of the Senate, to the bill concerning the Bank of Cape Fear; but do not concur in the second amendment.

Whereupon, on motion of Mr. Morehead, the Senate insisted upon their amendment; and a message was sent to the House of Commons, informing them thereof.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled a bill altering the time of holding the Courts of Pleas and Quarter Sessions of the county of Caswell, with an amendment; which was read and concurred in—and the House of Commons was informed thereof by message.

On motion of Mr. Marsteller, the Senate proceeded to consider the engrossed Resolution in favor of John B. Jasper; which was read the second and third times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they recede from their disagreement to the amendment of the Senate, proposing to strike out section marked A, of the engrossed bill concerning the Bank of Cape Fear.

Ordered, That said bill be enrolled.

Mr. Bunting presented the following Resolution, viz:

Resolved, That the Governor be authorised to procure, at the expense of the State, twelve copies of the debates in Convention, to be deposited in the Public Library; and one copy for each State and Territory of the Union, and transmit the same to the respective Governors thereof.

Which was read three times and passed, and ordered to be engrossed.

Mr. Morehead presented the following Resolution, viz:

Resolved, That the thanks of the General Assembly be tendered to the Elders and Members of the Presbyterian Church in the City of Raleigh, for the use of their Bell during the present session.

Which was read and adopted.

On motion of Mr. Morehead,

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the remainder of the session.

Mr. Moseley presented the following Resolution, to wit:

Resolved, That the Public Treasurer be authorised to pay

to William Hill, Secretary of State, the sum of dollars, for extra services, in superintending the Public Printing, distributing the Acts and Journals of the General Assembly, and performing the duties of Librarian.

Which was read the first time and passed. Read the second time. Thereupon, on motion of Mr. J. W. Bryan, ordered to lie upon the table.

Received from the House of Commons, a message stating that they have passed the engrossed bill, authorising William L. Blount and his associates, to erect a bridge across Great Contentnea Creek near Washington's Ferry on said Creek, with sundry amendments; which were read and concurred in, and the House of Commons was informed thereof by message.

The Senate then adjourned until four o'clock.

FOUR o'clock, P. M.

Mr. Marsteller moved that Mr. Bunting have leave of absence from the service of the Senate, from and after to-day, the remainder of the session; which was granted.

On motion of Mr. Joyner,

Ordered, That Mr. Kelly have leave of absence from the service of the Senate, from and after Monday next, the balance of the session.

Received from the House of Commons a message, stating that they have rejected the engrossed bill concerning the Bank of Cape Fear; also, the bill concerning the Bank of the State; also, a bill to provide for the investment and safe keeping of the monies which shall be deposited with this State, under the act of Congress to regulate the deposits of the public money; also, the bill to authorize the Commissioners of Salisbury to borrow money, and for other purposes.

Mr. Taylor presented a bill, entitled a bill concerning Internal Improvement; which was read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have rejected the engrossed bill to cure certain errors in Judicial proceedings in the Supreme Court; also, the engrossed bill concerning Special Magistrates in this State; also, a bill making an appropriation in favor of the Fayetteville and Western Rail Road Company; also, the bill making an appropriation in favor of the North-Carolina Central Rail Road Company.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to incorporate the Raleigh and Columbia Rail Road Company.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Revised Statutes, and asking the concurrence of the Senate.

The bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolutions, to-wit:

A bill to repeal in part an act, entitled an act for the better regulation of the town of Edenton, passed in 1831; a Resolution, directing an inquiry into the affairs of the Cape Fear Navigation Company; also, a Resolution relating to New River—in which they ask the concurrence of the Senate.

The above named bill and Resolutions were severally read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bill and Resolution, to-wit:

A bill to make compensation to the Secretary of State for additional services required of him. A resolution relating to the Cape Fear Navigation Company.

In which they ask the concurrence of the Senate.

The bill and Resolution above mentioned, were each read three times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, authorizing and empowering the Court of Pleas and Quarter Sessions, to appoint special Magistrates, in counties, where there are now or hereafter may be incorporated Cities and Towns within the State.

In which they ask the concurrence of the Senate.

Said bill was read the first time and passed, and read the second time.

Thereupon, on motion of Mr. Williams, the bill was postponed indefinitely.

Mr. Polk presented the following Preamble and Resolution to-wit :

Whereas, it may so happen that there will be a necessity for money to meet the demands on the Public Treasurer, for the wages of members and the other current expenses of the Government, before the funds already appropriated to this purpose are actually received into the Treasury :

Therefore Resolved, That the Treasurer be, and he is hereby authorised to apply any of the money of the President and Directors of the Literary Fund, in the Treasury, which may be needed to defray the expences of the State ; but the same shall be replaced as soon as the Revenues of the State are received sufficient for that purpose.

Resolved further, That (if it shall become necessary) the Treasurer of the State may borrow from either of the Banks of this State, such sums as may be required to meet the current demands on the Treasury, not otherwise provided for, at a rate of interest, not exceeding six per cent. per annum : *Provided*, he shall not borrow more than fifty thousand dollars.

Which was read three times and passed, and ordered to be engrossed.

On motion of Mr. McCormick, the Senate proceeded to consider the Resolution in favor of Richard W. Ashton, which was read the second time.

Thereupon, Mr. Hargrave moved that the Resolution be referred to a select Committee of five, with power to send for persons and papers ; which was agreed to.

Whereupon, the Speaker announced to the Senate, that Messrs. Hargrave, Dobson, McCormick, Melchor, and Reid, compose said Committee.

Thereupon, the Committee retired for a short time, and having had the subject under consideration, Mr. Hargrave reported the Resolution to the Senate, and recommended its rejection. The Resolution was rejected accordingly.

Thereupon, the Committee was discharged from its further consideration.

The Senate then adjourned until Monday morning, 7 o'clock.

MONDAY MORNING, JANUARY 23, 1837.

The Senate met at 7 o'clock.

Received from the House of Commons a message, stating that they have passed the engrossed bill concerning the Public Printing; and asking the concurrence of the Senate therein.

Said bill was read three times, passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the engrossed bill, supplemental to an Act, entitled an Act to aid the Internal Improvements of the State; and an Act, entitled an Act to drain the Swamp Lands; and an Act concerning the Bank of Cape Fear, with an amendment; which was read and concurred in, and the House of Commons informed thereof by message.

The Speaker announced to the Senate, that Messrs. Joyner, Taylor, Reid, Morehead, Dobson, and Arrington, form the Committee on enrolled bills, on the part of the Senate, the present week.

Received from the House of Commons a message, stating that they have acted on all the business before them; and proposing to adjourn, *sine die*.

Whereupon, a message was sent to the House of Commons, agreeing thereto.

Mr. Moseley presented the following Resolution, viz :

Resolved, unanimously. That the thanks of the Senate be given to the Hon. Hugh Waddell, for the able, dignified, and impartial manner in which he has discharged the duties of the Chair during the present session.

Upon this Resolution, the question being put by the Clerk, it was adopted unanimously.

Whereupon, the Hon. Speaker made an appropriate address to the Senate, and adjourned the House *sine die*.

HUGH WADDELL, S. S.

By Order,

THOMAS G. STONE, C. S.

JOURNAL

OF THE

HOUSE OF COMMONS.

AT a General Assembly of the State of North-Carolina, begun and held in the City of Raleigh, on Monday, the twenty-first day of November, in the year of our Lord one thousand eight hundred and thirty-six, and sixty-first year of the Independence of the United States of America—being the day appointed by law for the meeting of the General Assembly, the same being the first session thereof, under the amended Constitution of the State—the following Members of the House of Commons appeared, exhibited their credentials, and were qualified according to law, viz :

Anson County—John A. McRae, John Grady.
Ashe—James M. Nye.
Beaufort—Fenner B. Satterthwaite, Samuel Smallwood.
Bertie—John F. Lea, Thomas H. Speller.
Bladen—Joseph M. Gillespie.
Brunswick—Frederick J. Hill.
Buncombe—Montreville Patton, John Clayton.
Burke—Edward J. Erwin, James H. Perkins, Elisha P. Miller.
Cabarrus—William S. Harris.
Camden—David Pritchard.
Carteret—Thomas Marshall.
Caswell—Littleton A. Gwyn, Wm. A. Lea.
Chatham—Spence McClennahan, John S. Guthrie, Richard C. Cotten.
Chowan—Thomas S. Hoskins.
Columbus—Josiah Maulsby.
Craven—Abner Hartly, Abner Neale.
Cumberland—Stephen Hollingsworth, Dillon Jordan.
Currituck—Alfred Perkins.
Davidson—Charles Brummell, Meshack Pinckston.
Duplin—Owen R. Kenan.
Edgecomb—Joseph J. Daniel, James George.
Franklin—Thomas Howerton, Joseph I. Maclin.
Gates—Whitmel Stallings.

Granville--Robert B. Gilliam, Charles R. Eaton, Wm. Flemming.
 Greene--Thomas Hooker.
 Guilford--Jesse H. Lindsay, Peter Adams, Francis L. Simpson.
 Halifax--Isham Matthews, Sterling H. Gee, Bat. F. Moore.
 Haywood--John L. Smith.
 Hertford--Kenneth Rayner.
 Hyde--Tilman Farrow.
 Iredell--James A. King, Solomon Loudermilk.
 Johnston--James Tomlinson, Kedar Whitley.
 Jones--James W. Howard.
 Lenoir--Windall Davis.
 Lincoln--Michael Hoke, Henry Cansler, Oliver W. Holland, Thomas Ward.
 Macon--James W. Guinn.
 Martin--Raleigh Roebuck.
 Mecklenburg--James Hutchison, Green W. Caldwell, James A. Dunn.
 Montgomery--Wm. Harris, Enoch Jordan.
 Moore--John A. D. McNeill.
 Nash--Henry Blount.
 New-Hanover--John R. Walker, Charles Henry.
 Northampton--Roderick B. Gary, Herod Faison.
 Onslow--John A. Averitt.
 Orange--William A. Graham, Nathaniel J. King, John Boon, John Stockard.
 Pasquotank -----
 Perquimons -----
 Person--Moses Chambers, J. M. Williamson.
 Pitt--Macon Moye, John Spiers.
 Randolph--Michael Cox, Wm. B. Lane.
 Richmond--John McAllister, George Thomas.
 Robeson--Alexander Watson, Oliver K. Tuton.
 Rockingham--Philip J. Irion, Blake W. Braswell.
 Rowan--John Clement, Charles Fisher, Wm. D. Crawford.
 Rutherford--William J. T. Miller, Thomas Jefferson, John H. Bedford.
 Sampson--Isaac W. Lane, Dickson Sloan.
 Stokes--Caleb H. Matthews, Jas. M. Covington, Peter Critz.
 Surry--Pleasant B. Roberts, Daniel W. Courts, James Calloway.
 Tyrrell--Silas Davenport.
 Wake--Weston R. Gales, Wm. H. Haywood, jr. Nathaniel G. Rand.
 Warren--John H. Hawkins, Thomas J. Judkins.
 Washington -----
 Wayne--Calvin Coor, Raiford Whitley.
 Wilkes--William Horton, Eli Petty.
 Yancy--Samuel Byrd.

A quorum, consisting of a majority of the whole number of members being present, Mr. J. W. Guinn moved that William H. Haywood be appointed Speaker; and on motion of Mr. Rayner, the name of William A. Graham was added to the nomination.

The House thereupon, proceeded to vote *viva voce* and upon calling the vote, the following members voted

FOR MR. HAYWOOD, viz :

MESSRS. Nye,
Smallwood,
J. F. Lea,
Speller,
Marshall,
L. A. Gwyn,
W. A. Lea,
Cotten,
Hartley,
Neale,
Hollingsworth,
D. Jordan,
A. Perkins,
Kenan,
Daniel,
George,
Howerton,
Maclin,
Stallings,
Hooker,
Simpson,
Smith,
Tomlinson,
K. Whitley,
Davis,
Hoke,
Cansler,
Holland,
Ward,
J. W. Guinn,

MESSRS. Roebuck,
Hutchison,
Caldwell,
Dunn,
McNeill,
Blount,
Walker,
Henry,
Averitt,
Stockard,
Chambers,
Williamson,
Moye,
Spiers,
Watson,
Tuton,
Irion,
Braswell,
I. W. Lane,
Sloan,
Critz,
Roberts,
Courts,
Calloway,
Hawkins,
Judkins,
Coor,
R. Whitley,
Byrd,
Rand—60.

And the following members voted

FOR MR. GRAHAM, viz :

MESSRS. McRae,
Gillespie,
Clayton,
Erwin,

MESSRS. Rayner,
Farrow,
J. A. King,
Loudermilk,

J. H. Perkins,
E. P. Miller,
W. S. Harris,
Pritchard,
McClennahan,
Guthrie,
Hoskins,
Maultsby
Brummell,
Pinkston,
Gilliam,
Jefferson,
Covington,
Horton,
Grady,
Hill,
Eaton,
Fleming,
Lindsay,
Adams,
J. Matthews,
Gee,
Moore,

Howard,
W. Harris,
Bedford,
Davenport,
Petty,
Satterthwaite,
Patton,
E. Jordan,
Gary,
Faison,
N. J. King,
Boon,
Cox,
W. B. Lane,
McAllister,
Thomas,
Clement,
Fisher,
Crawford,
Miller,
C. Matthews,
Gales—53.

Mr. Haywood having received a majority of the whole number of votes, was declared duly elected, when he was conducted to the Chair by Mr. Guinn, and made his acknowledgements to the House in an appropriate address.

On motion, Charles Manly was re-appointed Chief Clerk, and Edmund B. Freeman, Clerk Assistant. Isaac Truitt was, on motion, re-appointed Door-keeper, and the following persons were nominated for Assistant Door-keeper, viz: Messrs. Muse, Young, Watson, Patterson, Gray, Williams, Mitchell, Page, Smith, Edwards, Davis, Johnston and Drake. A balloting was held under the superintendence of Messrs. Gales and Ward, who, upon counting out the votes, reported that no one had received a majority of the whole number, and that there was no election; the Report was agreed to.

And the House again proceeded to ballot for this Officer, under the superintendence of Messrs. Maclin and Moye, who, upon counting the ballots, reported that James

Page had received a majority, and was duly elected ; the Report was concurred in.

Whereupon, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 22, 1836.

Theophilus M. Campbell, one of the members elect from the county of Iredell, appeared, and was qualified according to law.

A message was received from the Senate by their Clerk Assistant, Mr. Dodge, informing this House that the Senate had been duly organized by the appointment of Hugh Waddell, Speaker, Thomas G. Stone, Principal Clerk, and James R. Dodge, Clerk Assistant, Thomas B. Wheeler, Door-keeper and Green Hill Assistant Door-keeper, and that they are ready to proceed to the despatch of public business.

On motion of Mr. Hoke,

Ordered, That a message be sent to the Senate, informing of the organization of this House, and of our readiness to co-operate with that body, in the despatch of public business.

On motion of Mr. Clayton,

Ordered, that a message be sent to the Senate, proposing to proceed to the election of three Engrossing Clerks ; and that a joint select Committee of three members, on the part of each House be appointed, to enquire and report immediately, as to the best mode of conducting this election.

On motion of Mr. Fisher,

Ordered, That a Committee of five persons be appointed, to prepare and report Rules of Order for the government of this House the present session ; that, in the interim, the Rules of Order of the last session, be observed ; and that a message be sent, proposing to the Senate, to raise a joint select Committee of five persons on the part of each House, to prepare Rules of Order for the regulation of the intercourse between the two Houses, the present session.

On motion of Mr. Courts,

Ordered, That a message be sent to the Senate, proposing to raise a joint select Committee of two on the part of each House, to wait upon his Excellency, the Governor, and inform him of the due organization of both branches of the Legislature, and of their readiness to receive any communication he may see fit to make.

A message from the Senate, concurring in this proposition, and informing that Messrs. Edwards and Polk, form said Committee on their part.

Ordered, That Messrs. Courts and McRae, form this Committee on behalf of the Commons.

A message from the Senate, agreeing to our proposition, in relation to the election of three Engrossing Clerks ; and informing that Messrs. Moseley, J. W. Bryan, and Dockery, compose the Committee on their part.

Ordered, That Messrs. Clayton, Crawford, and Williamson, form the Committee on the part of this House.

A message from the Senate, concurring in the proposition of this House, to raise a joint select Committee on the subject of the Joint Rules of Order ; and informing, that Messrs. Hall, Hawkins, Taylor, Moore, and Carson, form their branch of the Committee.

Ordered, That Messrs. Fisher, Hoke, Graham, Hutchinson, and D. Jordan, form said Committee on our part ; and that the same persons also form the select Committee to prepare and report Rules of Order for the government of the Commons.

Mr. Courts, from the joint select Committee appointed to wait on his Excellency, the Governor, reported that the Committee were authorized to say, that the Governor would make a communication to the Legislature, on tomorrow, at 12 o'clock.

Mr. Williamson, from the joint select Committee, raised upon the subject of electing Engrossing Clerks, made a report ; which was read and concurred in, and the Senate so informed.

The following persons were put in nomination for the appointment of Engrossing Clerks, viz : John C. Stone, Peter R. Lilly, John Sanders, James J. Thomas, William Williamson, Joseph B. Cheshire, and Thomas L. West.

A message from the Senate, concurring also in said report.

Whereupon, the House proceeded to vote *viva voce*, as follows :

FOR JOHN C. STONE :

MESSRS. Adams,

Boon,

Brummell,

Campbell,

Calloway,

Clement,

Courts,

Covington,

Cox,

Crawford,

Critz,

Davenport,

Gales,

W. Harris,

Horton,

MESSRS. Jefferson,

E. Jordan,

N. J. King,

W. B. Lane,

Lindsay,

Loudermilk,

C. H. Matthews,

E. P. Miller,

McAllister.

J. H. Perkins,

Pinkston,

Roberts,

Smith,

Thomas.

Williamson—30.

FOR PETER R. LILLY.

MESSRS. Adams,

Bedford,

Brummell,

Byrd,

Campbell,

Calloway,

Cansler,

Clayton,

Clement,

Coor,

Cotten,

Cox,

Crawford,

Davenport,

Eaton,

MESSRS. Hoskins,

E. Jordan,

D. Jordan,

Judkins,

Kenan,

N. J. King,

W. B. Lane,

Lindsay,

Loudermilk,

I. Matthews,

Maultsby.

E. P. Miller,

W. J. Miller,

Moore.

McAllister,

Erwin,
Faison,
Farrow,
Fisher,
Gales,
Gary,
Gee,
George,
Gillespie,
Grady,
Graham,
J. W. Guinn,
Guthrie,
W. S. Harris,
W. Harris,
Hawkins,
Henry,
Hill,
Horton,
Howard,
Irion,

McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Rayner,
Roberts,
Rand,
Satterthwaite,
Simpson,
Sloan,
Smallwood,
Stockard,
Thomas,
Tomlinson,
Tuton,
Walker,
Watson,
R. Whitley—71.

FOR JOHN SANDERS.

MESSRS. Howerton,
Hutchison,
D. Jordan,
Judkins,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Moye,
McNeill
Nye,
A. Perkins,
Pritchard,
Roebuck,
Satterthwaite,
Sloan,
Smallwood,
Smith,
Spiers,

MESSRS. Stallings,
R. Whitley,
Blount,
Braswell,
Caldwell,
Chambers,
Critz,
Daniel,
Davis,
Dunn,
Eaton,
Farrow,
J. W. Guinn,
L. A. Gwyn,
Hawkins,
Holland,
Hollingsworth,
Hooker—37.

FOR JAMES J. THOMAS.

MESSRS. Blount,
Braswell,
Byrd,
Caldwell,
Chambers,
Coor,
Cotten,
Courts,
Critz,
Daniel,
Davis,
Dunn,
Eaton,
Fleming,
Gillespie,
Gilliam,
Grady,
Guthrie,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,

MESSRS. Judkins,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Maultsby,
Moye,
McClennahan,
McNeill,
McRae,
Neale,
Nye,
A. Perkins,
Petty,
Roebuck,
Rand,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley—56.

FOR MR. WILLIAMSON.

MESSRS. Adams,
Averitt,
Bedford,
Brummell,
Campbell,
Calloway,
Cansler,
Clayton,
Clement,
Covington,

MESSRS. Gary,
Graham,
J. W. Guinn,
W. S. Harris,
W. Harris,
Hartley,
Hoke,
Jefferson,
E. Jordan,
W. B. Lane,

Cox,
Crawford,
Erwin,
Fisher,
E. P. Miller,
W. J. Miller,
Neale,
Patton,
J. H. Perkins,

Lindsay,
Loudermilk,
Marshall,
C. H. Walker,
Pritchard,
Rayner,
Simpson,
Ward—37.

FOR JOSEPH B. CHESHIRE.

MESSRS. Averitt,
Boon,
Covington,
Erwin,
Faison,
Flemming,
Gee,
George,
Gillespie,
Gilliam,
W. S. Harris,
Henry,

MESSRS. Hill,
Hoke,
Howard,
Hoskins,
Kenan,
I. Matthews,
C. H. Matthews,
Maulsby,
Moore,
Rayner,
Speller,
Williamson—24.

FOR THOMAS L. WEST.

MESSRS. Averitt,
Bedford,
Blount,
Boon,
Braswell,
Byrd,
Caldwell,
Cansler,
Chambers,
Clayton,
Coor,
Cotten,
Courts,
Daniel,
Davenport,
Davis,
Dunn,

MESSRS. D. Jordan,
Kenan,
N. J. King,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
I. Matthews,
W. J. Miller,
Moore,
Moye,
McAllister,
McClennahan,
McNeill,
McRae,
Neale,

Faison,	Nye,
Farrow,	Patton,
Fisher,	A. Perkins,
Flemming,	Petty,
Gales,	Pinckston,
Gary,	Pritchard,
Gee,	Roebuck,
George,	Roberts,
Gilliam,	Rand,
Grady,	Satterthwaite,
Graham,	Simpson,
Guthrie,	Sloan,
L. A. Gwyn,	Smallwood,
Hartley,	Smith,
Haywood,	Speller,
Henry,	Spiers,
Hill,	Stallings,
Hoke,	Stockard.
Holland,	Thomas,
Hollingsworth,	Tomlinson,
Hooker,	Tuton,
W. Horton,	Walker,
Howard,	Ward,
Howerton,	Watson,
Hutchison,	R. Whitley,
Irion,	K. Whitley,
Hoskins,	Williamson—89:
Jefferson,	

For Mr. HOLDEN, Mr. Haywood.

Ordered, That a message be sent to the Senate, communicating the result of the foregoing vote, and informing that Messrs. Williamson, Clayton and Crawford are appointed a Committee on the part of this House, to whom, with a like Committee on the part of the Senate, the said vote is referred.

A message from the Senate, communicating the result of said vote in that body, and informing that Messrs. Jones, Morehead and Dobson form said Committee on their part.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 23, 1836.

Joshua S. Swift, the member representing the county of Washington, appeared and was qualified according to law.

Josiah T. Granberry, the member representing the county of Perquimons, appeared and was qualified according to law.

Mr. Crawford, from the joint Committee raised on the vote of the two Houses for Engrossing Clerks, reported, that Thomas L. West and Peter R. Lilly had each received a majority of the whole number of votes, and were duly elected, and that no other person in nomination had received such majority. The report was concurred in.

A message from the Senate, proposing that the two Houses again go into an election for one Engrossing Clerk. The proposition was agreed to.

The names of Messrs. Sanders, Stone, Cheshire and Holden were withdrawn from the nomination, and the Senate so informed.

The House thereupon proceeded to vote as follows, viz:

FOR JAMES J. THOMAS.

MESSRS. Blount,

Braswell,

Byrd,

Caldwell,

Calloway,

Chambers,

Coor,

Cotten,

Courts,

Critz,

Daniel,

Davenport,

Davis,

Dunn,

Eaton,

Farrow,

Flemming,

Gee,

George,

Gillespie,

Gilliam,

MESSRS. J. W. Guinn,

L. A. Gwyn,

Hartley,

Hawkins,

Haywood,

Henry,

Holland,

Hollingsworth,

Hooker,

Howard,

Howerton,

Hutchison,

Irion,

D. Jordan,

Judkins,

Kenan,

N. J. King,

I. W. Lane,

W. A. Lea,

J. F. Lee,

Maclin,

Grady,
Moye,
McAllister,
McNeill,
McRae,
Neale,
Nye,
A. Perkins,
Roebuck,
Roberts,
Rand,
Sloan,
Smallwood,

Marshall,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Thomas,
Tomlinson,
Tuton,
Walker,
Watson,
R. Whitley,
K. Whitley—68.

FOR WM. WILLIAMSON.

MESSRS. Adams,
Averitt,
Bedford,
Boon,
Brummell,
Campbell,
Cansler,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Erwin,
Faison,
Fisher,
Gales,
Gary,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Hoke,
Horton,

Hoskins,
Jefferson,
E. Jordan,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. Miller,
B. F. Moore,
McClennahan,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Simpson,
Swift,
Ward,
Williamson—49.

Ordered, That a message be sent to the Senate, communicating the vote, and informing that Messrs. Blount,

Smallwood and L. A. Gwyn form the Committee on the part of the Commons, to compare the vote of the two Houses, and declare the result.

A message from the Senate, communicating the vote of that body, on said election, and informing that their branch of said Committee consists of Messrs. Marsteller, Kelly and Reid.

Mr. Smallwood, on behalf of said Committee, reported that James J. Thomas had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Received from his Excellency Governor Spaight, by his Private Secretary, Mr. Thomas B. Haywood, the following communication, which, upon being read, was, on motion of Mr. Fisher, ordered to be transmitted to the Senate, with the documents accompanying, and with a proposition that the Message be printed, one copy for each member:

To the General Assembly of the State of North Carolina :

GENTLEMEN : In meeting you, it is a subject of gratulation to state, that though the productions of the soil have not been so abundant as in former years, yet the increased value of the fruits of agriculture afford such ample remuneration to labor, as to give unexampled prosperity to the country, and to stimulate the enterprise of our citizens. To you, the first Legislature convened under the amended Constitution, the expression of satisfaction at the termination of the agitating question, which had heretofore disturbed our councils and made us a divided people, is both just and proper. It is hoped, that with the adjustment of the question of the ratio of representation, all the differences, antipathies, and dislikes, if not hatred, arising from its agitation, will terminate. It would, perhaps, be too sanguine in us to expect that, in a short space of time, the feelings which years had produced, would be obliterated. It would show a want of experience, a want of knowledge of the human passions, to entertain the expectation, that hatred or dislike could immediately be succeeded by love and affection. Years may roll round, and it may be that this generation will have to pass away, before those

differences and feelings will be as things that have been—belonging not to the present, but the past history of the State. Though it is expected you will reflect the feelings of your constituents, yet by your example and conduct, you can act upon them. To you, therefore, is directed the attention of the citizens of the State; and upon you, in a considerable degree, depends whether the hopes of the patriot be gratified, or his fears realized.

In making this, my first communication to you, I must call your attention, as of primary importance, to our Judiciary system. That it has defects, no one can deny. Some, if not all, of the Circuits are too large, requiring great mental and bodily labor in the Judges holding the Courts, and allowing too little time to do the business before those tribunals. The convenience of the people, and a regard to justice, require, that some alterations should be made—whether a new arrangement of those now existing, or the establishment of one or more additional Circuits, would remedy the evil, is for you to determine. As referring to this subject, I transmit herewith the Memorial of a Committee of the members of the Bar of the 6th Judicial Circuit (marked A,) addressed to the Legislature. The Memorial was sent to me, with a request that I would lay it before you.

In the execution of the criminal laws, especially in reference to the highest crimes, the delay generally is such, as almost to destroy some of the effects intended by their enforcement. So great a length of time elapses between the commission of the crime, even if the party be immediately apprehended, and the punishment, that the abhorrence first felt at its commission, is lost in commiseration of the sufferings, real or supposed, of the criminal. Pity for the offender lessens the enormity of the offence, and palliates the guilt of the individual—the law is looked upon as harsh and severe, and the person undergoing its sentence, is considered the victim of its severity, and not a proper sacrifice for the good of society. Thus, at the same time, is diminished respect for the law, and aversion to crime. Delay renders punishment uncertain, affording more chances in escaping the penalty of the law. The punishment ought to be speedy and certain in proportion

to the offence, giving the accused proper time and means for his defence. Its object is not only to correct the offender, or cut him off as a bad member of the community, but in almost every instance, to deter others from the commission of crime. The more speedy and certain, therefore, the greater will be the effect produced. These remarks are made to direct more particularly your attention to what I consider a growing evil, that you may, if you take the same view of the subject, which is presented to me, apply the proper remedy.

In conformity with the requisitions of the Constitution, the General Assembly in 1825, passed the Act creating the Literary Fund, and providing for its accumulation. That fund now consists of 1942 Shares of the Capital Stock of the Bank of the State of North Carolina, 50 Shares of that of the Bank of Cape Fear, 141 Shares Bank of Newbern, and 283 Shares in the State Bank of North Carolina. The par value of the two first descriptions of Stock would be \$199,200; but as both of these Stocks are above par, selling at a premium, the first at a high one, their value may be fairly estimated at the sum of \$39,000 more, say \$238,200, which, with the cash on hand, amounting to \$3,845 09, makes \$242,045 09. The value of the two latter Stocks cannot be properly estimated, it depending upon what claims may still exist against those institutions. The advantages of education, and the benefits resulting from its general diffusion among the people, it would be unnecessary for me to press upon the consideration of an enlightened Legislature. It is for you to determine, whether, in order to obtain the objects intended by the creation of the Fund, at as early a period as practicable, without encroaching upon the principal, you will provide for its increase by the appropriation of other means. These suggestions are made that the matter may receive your mature deliberation, and the people experience those great benefits, at an early day, which the wisdom of our fathers ordained they should enjoy.

The Fund for Internal Improvement amounts to \$37,-417,89, cash on hand, besides the outstanding bonds and dividends on Bank Stock heretofore appropriated to that object, which will be increased by the proceeds of the late

sale of the Cherokee lands, surveyed and not sold at former sales. The amount of the sales will be communicated to you as soon as the report of the Commissioner is received. The Fund is now too small to be applied to any work of magnitude. If it should be the intention of the Legislature to engage the State in any work of importance, it will become necessary to provide for its increase. If it should be your determination to engage the State in a system of Internal Improvement, I would recommend that the operations should be commenced at such points, and in such manner, as to render available and useful, whatever work shall be done; not like former expenditures from the fund, a very large portion of which was so expended, as to be neither beneficial to the community nor any part of it. In making this remark, I do not mean to pass a sentence of universal condemnation, for I believe many useful roads, if not other works, have been constructed, although a very great portion of the money has been most unprofitably spent.

At the Treasury Department of the State, during the last fiscal year, there has been received from all sources, the sum of \$586,416 24, viz: From the loan effected under the provisions of an act passed at the last session of the General Assembly, \$400,000, from taxes \$71,382 85, and from Bank dividends, &c. \$115,033 59. The disbursements for the same period, including the payment for Bank Stock, amounted to \$589,086 62; making a deficiency of \$2,670 38. For several years the disbursements have been more than the receipts. This has arisen, it is believed, from the want of a proper assessment of lands in the State. The present mode of valuation operates most unequally, the conscientious paying their full quota, if not more, while the less scrupulous evade the payment of their just proportion of the tax. That part of the Revenue system relating to the assessment of lands, requires amendment, and I recommend it to your consideration. By a proper assessment, it is probable, at the present rate of tax, the revenue from that source would be increased at least fifty per centum. It is the duty of the Legislature, in imposing any tax upon the people, to cause its operation to be just and equitable on all.

The act of 1827, regulating the Treasury Department of this State, needs some modification. The penalty of the bond required by the act, is so great as almost to prevent any person from becoming public Treasurer, unless possessed of wealth himself, or having friends and connexions very wealthy. The object of the great penalty is, no doubt, to secure the funds of the State. It is submitted that a diminution in the amount of the penalty of the bond, could be made without jeopardizing the interest of the State. New guards might be placed around the Treasury. The time required by the act (fifteen days) for the person elected to give bond, is too short. Any casualty might prevent its being done within the time; and the individual without any fault, incur the forfeiture prescribed by the act, and the public be put to considerable inconvenience. By increasing the time, or allowing some discretion in the persons authorised to receive the bond, to judge of the sufficiency of the excuse for the delay, the inconvenience might be obviated. I would recommend the first measure, because, in my opinion, as little discretion should be given to public functionaries, as is compatible with the interest of the State.

The condition of the Militia of the State, earnestly demands the attention of the Legislature. Upon that force, in case of invasion or insurrection, will, in a great measure, depend the welfare and safety of the State. Without discipline and proper organization, what would be expected from it in the hour of peril? A thorough reform of the system is required. Under the provisions of the Constitution, until lately amended, the appointment of all General and Field Officers belonged to the General Assembly. By the amendment, the power to pass laws regulating the mode of appointing and removing Militia Officers, is given to the Legislature. It becomes necessary to carry into execution that amendment, that you should legislate upon the subject. Your speedy action may be required. By an act of Congress, the President of the United States is authorised to accept Volunteers, who may offer their services; and it is provided that the officers shall be appointed in the manner prescribed by the laws of the several States and territories, to which the Companies, Battalions, Squad-

rons, Regiments, &c. respectively belong. If a call should be made upon the State for Volunteers, there is no provision by which the Officers could be appointed.

Since the close of the last session of the General Assembly, a treaty has been concluded with the Cherokee Indians, by which, their title to the territory now in their occupancy, has been extinguished. A part of which territory, is the domain and property of this State. A copy of the treaty (marked B.) accompanies this communication.

The Congress of the United States, at its last session, passed an act, entitled "an act to regulate the deposits of the public money," which was approved by the President of the United States, June 23d, 1836. This act stipulates that a portion of the treasure of the United States shall be deposited with the States. Congress certainly possesses the power to provide for the safe keeping of the public money; and as the language and the title of the act only provide for such purpose, it is constitutional. But if it is the intention of the act, as it is avowed to be, by some of those most active in procuring its enactment, to distribute gratuitously, the money, it would be unconstitutional, there being no power given to Congress, to make donations of the Funds of the Federal Government; or otherwise to dispose of them, than to carry into execution some other power granted. It would be uncharitable in us to suppose that Congress, under pretence of executing a Constitutional power, intended a direct violation of the instrument to which it owes its existence. We must, therefore, consider the act as being what it purports to be. The 13th Section of the act requires the Secretary of the Treasury Department, at the times therein mentioned, to deposite with the States, the money of the Federal Government, the faith of the States being pledged for its return. The General Assembly will have to determine whether the deposite will be received; and if received, appoint some person to receive it, and provide for its safe keeping. If you receive it, it would be your duty, in order to perform what integrity and prudence require, to make such disposition of it, as would enable the State to return it whenever demanded. The investment of the money, upon unquestionable security,

would not only provide for its safety and return when demanded, but would enable the State to use the interest accruing from it, either for the purpose of diffusing education among the people, or to some other object. A copy of the act (marked C,) is sent herewith.

The act of Congress of 1833, the result of a compromise between Nullification and a protecting Tariff, has produced a state of things heretofore unknown in the annals of Government; so much revenue that Government cannot dispose of it, embarrassing both to it and the people. The proper remedy is to reduce the Tariff to the wants of the Government; this will prevent a recurrence of the evil. Let it not be said it is a compromise, and ought not to be touched. Did the people authorize a compromise? It is but an act of Congress, which, like all others, can be altered or repealed by the legislative power. When it exacts from the people more than is required for the expenses of the Government, shall it not be altered? Shall it still remain, to take from the earnings of their labor, to heap up a treasure hereafter to be squandered and thrown away, or used to corrupt them? Or shall it be so modified by their Representatives, as to adapt it to the legitimate expenses of the Government? The latter is the Republican doctrine, and held as an axiom in every community where the interest of the people is consulted.

Under an act of the last session, being apprized of the death of one of the members of the Senate, I issued writs of election. Not because I was satisfied that the law was valid, but knowing there was a tribunal before whom the question might be settled, I preferred acting, and leaving to that tribunal its decision.

Before the Constitution was amended, the only mode of supplying vacancies, in either House, was by writs of election issued by the direction of the House. A recent amendment to the Constitution declares that writs may be issued by the Governor, under such regulations as may be prescribed by law, to fill vacancies occurring before the meeting of the General Assembly. By the Ordinance providing for the ratification of the amendments, it is declared that they shall, if ratified, take effect and be in

force from and after the 1st of January, 1836. The Legislature that passed the Act, adjourned in December last, before the amendment had taken effect, and while each House was the only authority to order writs of election.

The agent, authorised to settle the claims of the State against the United States, for expenditures made during the last war with Great Britain, having reported that the claims could not be settled without an act of Congress, I requested our Senators and Representatives to bring the subject before that body. It has been submitted to its consideration, but no decision has as yet been obtained. I have, according to the instructions of the General Assembly, sent the Reports, as directed by the Resolutions; and I have received from Massachusetts, three copies of the Revised Statutes of that State, and from Kentucky, copies of Dana's Reports, in two volumes, and Ritte's Digest of that State, two volumes.

The Dredging Machine has been sold under the authority of the Resolution passed at the last session, and the nett amount, eighty-seven dollars and sixty-five cents, after payment of claims, presented to me, was placed in the Treasury. The accounts of sale, and claims and expenses, are herewith submitted, marked D.

I herewith send communications received from the States of South Carolina, Georgia, Virginia, New York, Alabama, Maine, Massachusetts, Kentucky, Connecticut, Mississippi, and Ohio, on the subject of Incendiary publications, Abolition, Slavery, &c. in file marked E. I also send Resolutions of the Legislatures of the following States, viz: Maine and Ohio, relative to the election of President and Vice President of the United States, (marked F.) New Jersey, approving the President's course towards France, (marked G.) Pennsylvania, relative to the Public Lands, (marked H.) Georgia and Indiana, relative to the Cincinnati Rail Road, (marked I.)

Since the close of the last session of the General Assembly, I have received the resignation of William J. Alexander, Esq. as Solicitor of the 6th Judicial Circuit, and Louis D. Henry, Esq. as a member of the Council of State. The resignations accompany this communication.

File marked K, contains the resignations of Justices of the Peace, and Militia Officers.

From the State of Vermont, I have received a Map of that State, which, though sent some time since, only reached the Executive office during the last summer. I have received from the Secretary of State of the United States, one set of documents for the Executive office, one set for the University, and two sets for the Legislature, on whom rests the disposal of them.

The proceedings had under the act authorizing the loan, and the Resolution authorizing the sale of the Cherokee Lands, surveyed and unsold, will be hereafter made in separate communications; and such other matter as it may be required to place before the General Assembly, shall be communicated.

Respectfully, your obedient servant,

R. D. SPAIGHT.

Executive Department, }
Nov. 22, 1836. }

Mr. Fisher, from the Select Committee on that subject, reported the following Rules of Order for conducting business in the House of Commons, to-wit :

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal, no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz :
"As many as are of opinion that (as the question may be,)

say Aye;" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide. Those in the affirmative of the question shall rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the whole) shall have power to order the same to be cleared.

11. Stenographers wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

12. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of. All elections by the House shall be *viva voce*, unless there be but one nominee, in which case, appointments may be made on motion.

OF DECORUM AND DEBATE.

13. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker.

14. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any other member may call him to order; in which case, the member so called to order shall immediately take his seat, unless permitted to clear a matter of fact or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

15. When two or more members rise at the same time, the Speaker shall name the member to speak.

16. No member shall speak more than twice on the same question, without leave of the House.

17. Whilst the Speaker is putting any question, or addressing the House, no person shall speak, stand up, or walk out or across the House; nor when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

18. No member shall vote on any question, in the event of which, he is immediately and directly interested, or in any case where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

19. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

20. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

21. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

22. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

23. When a question is under debate, no motion shall be received, but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order in which they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

24. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

25. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

26. Any member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.

27. When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

28. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

29. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall be verbally made by the introducer; and shall not be debated or decided on the day of their being first read, un-

less when the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

30. No bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House, or sent to the Senate, until the time for reconsideration shall have elapsed.

31. When the Yeas and Nays are called for on any question, it shall be on motion, before the question is put; and if seconded, the question shall be decided by Yeas and Nays; and in taking the Yeas and Nays, or on a call of the House, the names of the members shall be taken alphabetically.

32. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

33. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

34. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

35. Any member may excuse himself from serving on any Committee, at the time of his appointment, if he is a member of two Standing Committees.

36. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted, upon motion, to vote.

37. No standing rule or order shall be rescinded, altered or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

COMMITTEES.

38. Six Standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims; a Committee on Propositions and Grievances; a Committee on Education; a Committee on Agriculture; a Committee on Internal Improvement, and a Committee on Privileges and Elections. Each of said Committees shall consist of thirteen members, one from each Congressional District, to

be appointed by the members from the counties composing said District. In addition to the above Standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

39. A Select Standing Committee, consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated the Committee on the Judiciary.

40. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee, to cause the members of the Committee to convene when necessary; and, when so convened, they shall appoint some one of their number Chairman.

41. In forming a Committee of the whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

42. Upon bills committed to a Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the Preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk, on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

43. All questions, whether in Committee or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

44. The rules of proceedings in the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

45. In a Committee of the whole House, a motion that the Committee rise, shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

46. Every bill shall be introduced by motion for leave, or by order of the House, on the report of a Committee.

47. Every bill shall receive three several readings in the House, previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

48. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment.

49. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise: but no public bill shall be read twice on the same day, without the concurrence of two-thirds of the members present.

50. All Resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

51. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

52. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

53. The Clerk of the House shall be deemed to continue in office until another is appointed.

In compliance with the 38th Rule of Order, the House proceeded to the appointment of six Standing Committees. as follows:

Committee of Claims.—Messrs. Rayner, J. F. Lee, Moye, Coor, Henry, Maclin, Thomas, Stockard, Braswell, Cotten, Ward, Jefferson and Campbell.

Education.—Messrs. Hoskins, Faison, George, Neale, Gillespie, Gilliam. Tuton, Graham, L. A. Gwyn, Crawford, W. S. Harris, Patton and Horton.

Propositions and Grievances.—Messrs. Stallings, I. Matthews, Smallwood, Marshall, Kenan, Howerton, D. Jordan, N. J. King, C. H. Matthews, Brummell, Dunn, Erwin and Courts.

Agriculture.—Messrs. A. Perkins, Gee, Spiers, Davis, Sloan, Fleming, W. Harris, Rand, W. A. Lea, Guthrie, Holland, Byrd and Nye.

Internal Improvement.—Messrs. Granberry, Gary, Farrow, Howard, Hill, Blount, McRae, Gales, Lindsay, Fisher, Cansler, J. W. Guinn and Petty.

Privileges and Elections.—Messrs. Pritchard, Roebuck, Satterthwaite, Hartley, Averitt, Hawkins, McNeill, Williamson, Simpson, W. B. Lane, Caldwell, Smith and Loudermilk.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 24, 1836.

On motion of Mr. L. A. Gwyn,

Resolved, That a message be sent to the Senate, proposing to raise a joint Select Committee, composed of five members from each House, on so much of the Governor's message as relates to the passage of laws, regulating the appointment of Militia Officers in this State, and that they report by bill or otherwise.

On motion of Mr. Hoke,

Resolved, That a message be sent to the Senate, proposing to raise a joint Select Committee of four on the part of each House, to whom shall be referred so much of the Governor's message as relates to the administration of Justice, and particularly in the sixth Judicial District, with a proposition to print the memorial and papers referred to by the Governor, in relation to the said sixth Judicial District.

On motion of Mr. D. Jordan,

Resolved, That a message be sent to the Senate, proposing that a joint Select Committee be raised, consisting of five

members on the part of each House to whom so much of the Governor's message as relates to the proportion of the Public Revenue accruing to North Carolina under the late act of Congress, entitled the "Deposit Bill," shall be referred with instructions to report a bill accepting the same, and providing in what manner the same can be most profitably invested.

On motion of Mr. Williamson,

Resolved, That a message be sent to the Senate, proposing to refer so much of the Governor's message as relates to the subject of abolition and incendiary publications, to a joint Select Committee of five members, on the part of each House.

On motion of Mr. J. W. Guinn,

Resolved, That a message be sent to the Senate, proposing to raise a joint Select Committee of five on the part of each House, on so much of the Governor's message, as relates to the lands lately acquired by Treaty from the Cherokee Indians.

On motion of Mr. Fisher,

Resolved, That a Select Committee of three be appointed to examine the arrangements, at present made in this Hall for the accommodation of this House, and ascertain if the same cannot be altered so as to make the Hall more convenient for the purposes of legislation; and said Committee shall Report to the House, to-morrow morning.

Received a message from the Senate, proposing to raise a joint Select Committee on Military affairs, consisting of five members on the part of each House.

The proposition was agreed to, and Messrs. Hawkins, Irion, Loudermilk, Cotten and Eaton appointed to compose said Committee on behalf of the Commons.

Mr. Graham presented the following Resolution, which was read and adopted.

Resolved, That the Clerks of this House be, and they are hereby directed to procure six full copies of the Public Acts of the General Assembly, for the use of the members of the House of Commons.

The Speaker laid before the House a communication from Samuel F. Patterson, Public Treasurer, transmitting the Annual Report on the state of the Treasury.

On motion of Mr. Clayton,

Ordered, That it be sent to the Senate, with a proposition to print one copy for each member of the Legislature.

On motion of Mr. Gales,

Resolved, That a message be sent to the Senate, proposing a joint Select Committee, consisting of two members on the part of each House, whose duty it shall be to provide and designate some signal by which members may be notified of the daily hour of meeting of the two branches.

Ordered, That Messrs. Gales and Rand form said Committee on the part of this House.

The resignation of John W. Bynum, as Colonel Commandant of the 45th Regiment of Militia, and of John C. Williams of Sampson county, of Abner Miles of Caswell, of Woodlief Hooper of Caswell, of R. L. Stanly of Duplin and of Samuel Riblin of Rowan county, Justices of the Peace of their respective counties, were presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 25, 1836.

The resignations of James Miller and N. T. Bandy, of Guilford county; of Robert H. Gillespie, of Buncombe; of James Perry, of Perquimons; of Benjamin Patterson, and William D. Somers, of Surry county, Justices of the Peace; and the resignations of John M. Logan, as Col. Commandant; Charles W. Peeples, as Lieutenant Colonel; and Pinckney C. Peeples, as Major of the first Regiment of Guilford Militia; and of Abram Clapp, Lieutenant Colonel, and Gravener Marsh, as Major of the Volunteer Regiment of Guilford Militia, were presented, read, and accepted.

On motion of Mr. McRae,

Resolved, That so much of the Message of his Excellency, the Governor, as relates to the Internal Improve-

ment of the State, be referred to the standing Committee on that subject.

The Speaker laid before the House, sundry depositions taken in the case of the contested elections of William S. Harris, the sitting member from the county of Cabarrus.

Ordered, on motion of Mr. J. W. Guinn, that the same be referred to the Committee on Privileges and Elections.

Mr. Fisher, from the select Committee raised on the subject of certain alterations in this Hall, made a report; and thereupon,

Resolved, That the Speaker of this House be authorized to cause the seats or benches in this Hall, to be repaired and refitted; also to have a bar or balustrade erected across the East end of the Hall, so as to exclude strangers from mingling with the members of the House.

On motion of Mr. Gilliam,

Resolved, That a message be sent to the Senate, proposing to raise a joint select Committee on the subject of the Public buildings, and the re-building of the Capitol.

Mr. D. Jordan presented the petition of certain citizens of Fayetteville, praying the emancipation of a Slave named Thomas Hadly; and Mr. Fisher, the petition of certain citizens of Salisbury, praying the emancipation of a slave named Maria, and her child Susan. The petitions were, on motion, referred to the Committee on Propositions and Grievances.

Received from the Senate a message, proposing a joint select Committee of five members on the part of each House, to take into consideration the subject of the Cherokee lands.

The proposition was agreed to, and Messrs. J. W. Guinn, Crawford, Hill, W. J. T. Miller, and Satterthwaite, appointed to compose said Committee on the part of this House.

A message from the Senate, proposing to raise a joint select Committee, to consist of five members on the part of each House, to enquire into the expediency of accepting that portion of the Surplus Revenue, to which may be al-

lotted to North Carolina, under an act of Congress passed at the late session, entitled an act to regulate the public deposits, and of suggesting some plan for the safe-keeping of the Surplus Revenue.

On motion of Mr. D. Jordan,

Ordered, That said message lie on the table.

Mr. McNeill presented the petition of certain citizens of New Hanover and Cumberland counties, praying the emancipation of a slave called Isaac Belden; and Mr. Bedford, the petition of William Arthur, praying the emancipation of a Slave named Sanders.

These petitions were referred to the Committee on Propositions and Grievances.

The resignation of Daniel Kornegay, a Justice of the Peace of the county of Wayne; and of Thomas Millsapps, Major of the 89th Regiment of Militia, were presented, read, and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 26, 1836.

Mr. Clayton presented the petition of certain citizens of Buncombe, praying the emancipation of a slave named Ned; and Mr. Moore, the petition of certain citizens of Halifax, praying the emancipation of the children of one Miles Howard, a free man of color.

These Petitions were referred to the Committee on Propositions and Grievances.

Mr. Erwin presented the Petition of sundry citizens of Burke county, praying a division of said county. Mr. Erwin also presented the Petition of one James Scott, of said county, asking relief in the matter of certain grants for land heretofore issued by the State.

These Petitions were referred to the Committee on Propositions and Grievances.

Received from the Senate a message, concurring in the proposition of this House, to print the Annual Report of the Public Treasurer.

A message from the Senate, informing that Messrs, Marsteller, Spruill, Kerr, Dockery, Williams, and Polk, form their branch of the Committee on Military Affairs.

On motion of Mr. Hawkins,

Ordered, That the name of Joseph J. Maclin, be added to said Committee on the part of this House.

The Speaker announced the appointment of the following Committees :

The Committee on the Judiciary, consisting of Messrs. Graham, Hoke, Williamson, Hutchison, Jordan, Moore, Courts, J. W. Guinn, and Caldwell.

The Committee on Private Bills, consisting of Messrs. Speller, Farrow, Watson, Fleming, Tomlinson, and Miller, of Rutherford.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select Committee to provide and designate some proper signal for the meeting of the General Assembly; and informing that Messrs. Whitaker and Houlder, compose their branch of the Committee.

Ordered, That Messrs. Gales and Rand form said Committee on the part of this House.

The resignations of James Bennett and Edward Winfield, of Anson county, Justices of the Peace; of George D. Boggan, as Lieutenant Colonel of the first Regiment of Anson Militia; of William Patterson, as Major of the 49th Regiment of Militia; and of John M. Vanhong, as Major in the Volunteer Regiment of Stokes county, were presented, read, and accepted.

The following resignations received from the Senate, viz: John Pepper, as a Justice of the Peace of Halifax; of John Cherry, of Pitt, as a Justice of the Peace; and of Benjamin Brickhouse, as Lieutenant Colonel of the 7th Regiment attached to the 13th Brigade, were read and accepted.

A message from the Senate, transmitting the Joint Rules of Order, as agreed upon by the joint select Committee, raised on that subject.

On motion of Mr. Hoke, the House resolved itself into a committee of the whole, on the subject of said Rules, Mr. Hoskins in the Chair, and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said Rules, with sundry amendments.

On the question of concurrence, on the following amendment proposed by the Committee of the whole, viz :

To strike out the 16th Rule, as reported in the following words—"All elections requiring a joint vote, shall be *viva voce*, and a select Committee of two members in each House, shall be appointed to superintend the same in their respective Houses. After the vote shall have been taken, a select Committee shall confer together, and report the result of such election to their respective Houses;" and to insert the following words—"All elections requiring a joint vote, shall be *viva voce*, and they shall be conducted as follows, viz : Either House may send a message to the other, proposing a day and hour for voting in both Houses, and the time of voting being once agreed to by both Houses, they shall proceed to take the vote at that time ; and thereupon, a select Committee of two members in each House, shall be appointed to superintend the same in their respective Houses, and after the votes shall have been taken, the said Committee shall confer together and report the result of the joint vote to their respective Houses."

Mr. Guthrie called for a division of the question, and demanded the Yeas and Nays ; and the question being first put on striking out, was decided in the affirmative—Yeas 59, Nays 55.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Braswell, Byrd, Caldwell, Calloway, Chambers, Cansler, Coor, Cotten, Courts, Critz, Daniel, Davis, Dunn, George, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, D. Jordan, Judkins, Kenan, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, Moye, McNeill, Neale, Nye, A. Perkins, Simpson, Sloan, Smallwood, Smith, Speller, Spiers, Stallings, Stockard, Tomlinson, Tuton, Walker, Ward, R. Whitley, K. Whitley, Williamson, Watson, Rosbuck, Roberts, Rand—59.

Those who voted in the negative, were:

Messrs. Adams, Bedford, Boon, Brummell, Campbell, Clayton, Clement, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Fisher, Fleming, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Satterthwaite, Swift, Thomas—55.

On the question, "Will the House insert the amendment as proposed by the Committee of the Whole?" the vote was Yeas 58, Nays 54.

Those who voted in the affirmative, were :

Messrs. Averitt, Blount, Braswell, Byrd, Caldwell, Calloway, Cansler, Chambers, Coor, Cotten, Courts, Critz, Daniel, Davis, Dunn, George, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, D. Jordan, Judkins, Kenan, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, Moye, McNeill, Neale, Nye, A. Perkins, Simpson, Sloan, Smith, Speller, Spiers, Stallings, Stockard, Tomlinson, Tuton, Walker, Ward, R. Whitley, K. Whitley, Roebuck, Roberts, Rand, Williamson, Watson—58.

Those who voted in the negative, were:

Messrs. Adams, Bedford, Boon, Brummell, Campbell, Clayton, Clement, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Fisher, Fleming, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Satterthwaite, Swift, Thomas—54.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 28, 1836.

Received from the Senate a message, transmitting the resignation of Willie P. Mangum, as a Senator in the Congress of the United States ; which was read and accepted.

The Speaker laid before the House a communication from John B. Muse, the member elect from the county of Pasquotank, resigning his seat in this body. Whereupon, on motion of Mr. Granberry,

Ordered, That a Writ of Election issue to the Sheriff of said county, commanding him to hold an election to supply the vacancy, on Thursday the 8th day of December next.

The Speaker laid before the House sundry depositions taken in the case of the contested election of the member representing the county of Cabarrus.

Ordered, That the depositions be referred to the Committee on Privileges and Elections.

Mr. Graham presented a petition from certain citizens of the county of Orange, praying a division of said county, together with a bill, entitled a bill to lay off and establish a county by the name of Jefferson.

Said bill was read the first time and passed, and, on motion of Mr. Graham, made the order of the day for Wednesday next.

Mr. Moore presented a bill making Sheriffs officially liable in certain cases ; and Mr. Fisher, a bill for the erection of a Bridge over the South Yadkin River, at or near Hall's Mills, in the county of Rowan.

These bills were read the first time and passed.

On motion of Mr. Moore,

Ordered, That the first named bill be referred to the Committee on the Judiciary, and that it be printed.

On motion of Mr. J. W. Guinn,

Resolved, That the Committee on Internal Improvement be instructed to enquire into the expediency of laying out and constructing a Road from the Town of Franklin, in Macon county, the nearest and best way to the place where the county site for the Public Buildings shall be located, in the territory recently acquired by Treaty from the Cherokee Indians, and from such place, to some point on the Georgia line, that will best afford a communication with the State of Alabama, having a due regard to the interests of this State.

On motion of Mr. Fisher,

Resolved, That the Committee on Internal Improvement be instructed to enquire into the expediency of making a Turnpike of the Hickory Nut Gap Road, in the counties of Rutherford and Buncombe—the State to appropriate the whole of the funds neces-

sary to make the Road, and the tolls arising therefrom to go exclusively to the State; and that said Committee report by bill or otherwise.

Mr. Moore presented a bill allowing Sheriffs or their deputies, to administer oaths in certain cases, which was read the first time and passed, and on motion of Mr. Moore, referred to the Committee on the Judiciary.

Mr. Fisher presented the following Resolution, which was read and rejected.

Resolved, That the Committee on Internal Improvement be instructed to enquire into the expediency of the State's purchasing up the Stock in the Turnpike Road, leading from Ashville in Buncombe county, to the Tennessee line, to the end, that the State may become sole proprietor of said Road.

On motion of Mr. D. Jordan,

Resolved, That a message be sent to the Senate, proposing to raise a joint Select Committee consisting of three members on the part of each House, to whom shall be referred the subject of the Public Printing, with instructions to enquire if the law regulating the same does not require amendment, and that they report accordingly.

The resignations of William Martin, as a Justice of the Peace of the county of Surry, and of Hardy S. Philips, as Lieutenant Colonel of the 8th Regiment of Militia, were presented, read, and accepted.

Mr. Granberry presented a bill, to incorporate the Norfolk and Edenton Rail Road Company, which was read the first time and passed, and referred on Mr. Granberry's motion, to the Committee on Internal Improvement.

On motion of Mr. Patton,

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of amending the law in cases of conviction for Malicious mischief, where offenders are unable to pay for the property injured or destroyed, to allow the Judges the discretionary power of giving the offenders one or two Public Whippings, not exceeding thirty-nine lashes.

Mr. Gales, from the joint Select Committee raised on the subject of providing a signal for the convening of the two Houses, made a Report, which was read and agreed to.

Mr. Howerton presented the petition of sundry citizens of the county of Franklin, praying the emancipation of a slave named Sam.

On Mr. Howerton's motion, the said petition was referred to the Committee on Propositions and Grievances.

The resignations of Samuel W. Lucas, as Major of the 12th Regiment of Militia and of Isham Steed, as a Justice of the Peace of the county of Randolph, were presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 29, 1836.

Mr. Clement introduced a petition from many citizens of the county of Rowan, praying a division of said county, together with a bill to carry out the object of the petitioners, entitled a bill to lay off and establish a county by the name of Davie; the said bill was read the first time and passed, and, on motion of Mr. Clements, made the order of the day for to-morrow.

Mr. Fisher presented a Report from the Commissioners appointed to superintend the re-building of the Capitol, which was read, and, on motion of Mr. Fisher, ordered to be sent to the Senate and printed.

On motion of Mr. Hartley,

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of raising the fees allowed witnesses, where they are summoned to attend Courts in other counties, than those in which they reside, and that they Report by bill or otherwise.

Received a message from the Senate, concurring in the proposition of this House, to raise a joint Select Committee of five on the part of each House, to whom shall be referred so much of the Governor's Message as relates to the proportion of the Public Revenue accruing to North Carolina under the late act of Congress, entitled the "Deposit

Bill," with instructions to Report a bill accepting the same, and providing in what manner the same can be most profitably invested, and informing that Messrs. Bryan, Moseley, Morehead, Joyner and Hawkins compose their Committee.

Ordered, That Messrs. D. Jordan, Fisher, Averitt, A. Perkins and L. A. Gwyn compose said Committee on the part of this House.

A message from the Senate, agreeing to the proposition of this House, to raise a joint select Committee on so much of the Governor's Message, as relates to Abolition and Incendiary publications; and informing that Messrs. Joyner, Moore, Moseley, Fox, and Skinner, form their branch of the Committee.

Ordered, That Messrs. Williamson, Courts, Walker, McRae, and Judkins, form said Committee on behalf of the Commons.

A message from the Senate, informing that Messrs. Gudger, Reinhardt, Dockery, Carson, and Baker, compose, on behalf of the Senate, the joint select Committee on the Cherokee lands.

On motion of Mr. Satterthwaite, the Resolution offered yesterday by Mr. Fisher, in relation to the Turnpike Road from Ashville to the Tennessee line, which was then rejected, was now re-considered and adopted.

On motion of Mr. Courts,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the Revenue Laws, as to increase the tax upon strolling players, and Equestrian performers; and that they report by bill or otherwise.

On motion of Mr. Hill,

Resolved, That a message be sent to the Senate, proposing to raise a joint select Committee, consisting of four members on the part of each House, to whom it shall be referred, to enquire what alterations and amendments ought to be made in the Revenue Laws of the State.

Resolved, further, (the Senate concurring) that so much of the Governor's Message, as relates to the laws for the assessment of lands for taxation, be referred to said Committee.

On motion of Mr. Fisher,

Resolved, That a message be sent to the Senate, proposing that on Monday next, the two Houses, proceed to examine the returns, and compare the Polls of the late election of Governor of the State—that the person elected may be duly notified of the same.

Mr. Guthrie introduced the following Resolution; which was read and adopted :

Whereas, different constructions are placed on the 8th Section of the Constitution of this State by inspectors of elections in different counties, and frequently, at different precincts in the same county, and many freemen are unjustly deprived of their suffrages, and, sometimes improper votes are polled ; and as a declaratory opinion of the Legislature, may be calculated to produce uniformity on the subject. Be it therefore

Resolved, That the subject be referred to the Committee on the Judiciary, with leave to report by Resolution or otherwise.

On motion of Mr. Hoskins,

Resolved, That so much of the Governor's Message, as relates to the Literary Fund, and to Education, be referred to the Committee on Education.

On motion of Mr. Fisher,

Whereas, By the 5th Clause of the 4th Section of the Amendments to the Constitution, it is provided that no private law shall be passed by the Legislature, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given. And whereas, great doubts exists as to what laws shall be considered private and what public laws. Therefore,

Resolved, That the Committee on the Judiciary be instructed to investigate the question and report to this House, what, in their opinion, ought to be classed as private, and what as public Acts.

Resolved further, That they enquire whether the Act of the last General Assembly, entitled "An Act to regulate the mode of passing private Acts of the General Assembly," be applicable to proceedings of the Legislature, under the new Constitution, and report to this House the result of their investigation.

Received from his Excellency, Governor Spaight, by his Private Secretary, a message, transmitting the Report

of the Commissioners appointed, according to the provisions of an act of Assembly, passed, A. D. 1833, entitled an act for revising and digesting the Public Statute Laws of the State.

The communication was read, and on motion of Mr. Graham,

Ordered, That it be sent to the Senate, with a proposition to refer it and the accompanying report to a joint select Committee of six on the part of each House.

Mr. J. W. Guinn presented a Memorial from sundry citizens of the county of Macon, in relation to the public lands, and the construction of roads in said county.

Said memorial was, on motion of Mr. Guinn, referred to the joint select Committee on Cherokee lands.

A message from the Senate transmitting a petition from sundry citizens of the counties of Lincoln and Rutherford, in relation to the establishing of the dividing line between them and the erection of a new county, and proposing that it be referred to a joint select Committee of three members from each of the counties of Lincoln and Rutherford.

The proposition was disagreed to ; and, on motion of Mr. Bedford,

Ordered, That it be proposed to refer it to a joint select Committee of two on the part of the Senate, and four on the part of this House, from the counties aforesaid.

Mr. W. A. Lea introduced a bill to incorporate the Milton Manufacturing Company ; which was read the first time and passed.

The bill for the erection of a Bridge over the South Yadkin river, at or near Hall's Mills, in the county of Rowan, was called up by Mr. Fisher, and, on his motion, laid on the table.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 30, 1836.

James H. Jarman, one of the Representatives of the county of Duplin, appeared, and was qualified according to law.

On motion of Mr. Graham,

Ordered, That the Report of the Commissioners appointed to revise the public Statute Laws, yesterday transmitted to the House, by his Excellency, the Governor, be printed.

Mr. Clayton presented a petition from sundry citizens of the county of Buncombe, together with a bill to carry their prayer into effect, entitled a bill to erect a new county by the name of Madison. Said bill was read the first time and passed.

Received from the Senate, the following resignations, viz : Of Thomas Williamson, as a Justice of the Peace of the county of Bertie ; of William Hester, of the county of Stokes ; of William Sherrrod of Wayne, Justices of said counties respectively ; of Robert B. Huston, as Major of Cavalry attached to the 11th Brigade and 4th Division of the Militia. The resignations were read and accepted.

Received from the Senate a message, concurring in the amendments proposed by the House of Commons, to the Joint Rules for the regulation of the intercourse between the two Houses, so far as relates to the 7th and 12th Sections, and informing that they do not concur in the amendment of this House, to the Rule marked 16th, regulating elections by joint vote.

Mr. Graham moved the House do recede from their proposed amendment. The question thereon was determined in the negative.

Mr. Hoke moved that the House insist on their said amendment. This question was decided in the negative—Yeas 56. Nays 57. The Ayes and Noes demanded by Mr. Hutcheson.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Braswell, Byrd, Caldwell, Calloway, Cansler, Chambers, Coor, Cotten, Courts, Critz, Daniel, Davis, Dunn, George, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, Jarman, D. Jordan, Judkins, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, Moye, McNeill, Neale, Nye, A. Perkins, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Speller, Spiers, Stallings, Stockard, Tomlinson, Tuton, Ward, Watson, R. Whitley, Williamson—56.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Boon, Brummell, Campbell, Clayton, Clement, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Fish-

er, Fleming, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, W. B. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Satterthwaite, Smallwood, Swift, Thomas—57.

Mr. Moore now moved that the House do recede from their said amendment.

The question thereon was decided in the affirmative—Yeas 57, Nays 55; the Yeas and Nays demanded by Mr. Thomas.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Boon, Brummell, Campbell, Clayton, Clement, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Fisher, Fleming, Gary, Gee, George, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, E. Jordan, Jefferson, Kenan, J. A. King, W. B. Lane, Lindsay, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McClennahan, McRae, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Satterthwaite, Smallwood, Swift, Thomas—57.

Those who voted in the negative, were :

MESSRS. Averitt, Blount, Braswell, Byrd, Caldwell, Calloway, Cansler, Chambers, Coor, Cotten, Courts, Critz, Daniel, Davis, Dunn, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, Jarman, D. Jordan, Judkins, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, Moye, McNeill, Neale, Nye, A. Perkins, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Speller, Spiers, Stallings, Stockard, Tomlinson, Tuton, Ward, Watson, R. Whitley, Williamson—55.

On motion of Mr. Gary,

Ordered, That the said Joint Rules be printed, in connection with the Rules of this House, the Constitution of the State, and of the United States.

Received from the Senate the Pension Certificate of the County Court of Cumberland, in favor of Ann Morrison; also, the Certificate of the County Court of Craven, in favor of John Rhem, Christopher Bexley, Thomas Ewell, and Alexander Taylor, Pensioners of the State—countersigned by the Speaker of that body.

Ordered, That the same be countersigned by the Speaker of this House.

In accordance with the Joint Rules of Order, the Speaker appointed the Committee of Finance on behalf of this House, composed of the following members : Messrs. Hill,

Rand, Bedford, Hollingsworth, Smallwood, Stallings, Kennan and Boon.

A message from the Senate, concurring in the proposition of this House, to raise a joint select Committee on the subject of the Public Printing, and informing that Messrs. Marsteller, Moore and McCormick are appointed said Committee on their part.

Ordered, That Messrs. D. Jordan, Gales, and I. W. Lane form said Committee on behalf of the Commons.

On motion of Mr. J. W. Guinn,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the law as to give the Junior Patentee the right of filing his petition, and suing out a *scire facias* in his own name, to vacate a grant obtained by fraud and false suggestion of a prior Patentee; and that they report by bill or otherwise.

Mr. Graham introduced a Resolution in favor of James C. Turrentine; which was read the first time and passed, and, on motion of Mr. Graham, referred to the Committee on Claims.

The bill to lay off and establish a county by the name of Jefferson, was read, and, on motion of Mr. Faison, laid on the table.

The bill to lay off and establish a county by the name of Davie, was, on motion of Mr. Fisher, postponed until Friday next.

Mr. Petty introduced a bill to repeal an act passed in the year 1835, entitled an act to annex part of Wilkes county to the county of Ashe; which was read the first time and passed.

Mr. Fisher introduced a bill declaring that shares of stock in Joint Stock Companies, in this State, shall be deemed and taken as personal estate, which was read the first time, and passed, and, on motion of Mr. Fisher, referred to the Committee on the Judiciary.

Mr. Fisher introduced a Resolution directing the Public Treasurer to receive in payment for Cherokee Lands certain Notes of the Banks of Virginia, South-Carolina, Tennessee and Georgia, which was read the first time and passed, and, on motion of Mr. Hill, referred to the Committee on Finance.

The bill to incorporate the Milton Manufacturing Company was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 1, 1836.

Mr. Graham, from the Committee on the Judiciary, to whom it was referred to inquire into the expediency of increasing the tax on strolling stage players and equestrian performers, reported against the legislation as contemplated. The report was concurred in, and the Committee discharged from the further consideration of the subject.

Mr. Graham, from the same Committee, reported the bill allowing Sheriffs or their deputies to administer oaths in certain cases, with an amendment. The amendment was concurred in, and the said bill read the second time and passed.

Mr. Graham, from the same Committee, to whom it was referred to enquire into the expediency of giving by act of Assembly, a legislative construction on the 8th section of the Constitution of the State, reported unfavorably thereon. The report was concurred in, and the Committee discharged from the further consideration of the subject.

In compliance with the Joint Rules of Order, the Speaker appointed Messrs. N. J. King, Adams, R. Whitley and Watson, a Committee on enrolled bills, to act till Monday next.

On motion of Mr. Blount,

Resolved, That the Committee on the Judiciary be directed to enquire into the expediency of passing a general law concerning Divorce and Alimony.

On motion of Mr. Graham,

Resolved, That his Excellency the Governor be requested to inform this House upon what terms and from whom the loan of four hundred thousand dollars, which was directed by the act of the last session of the Legislature, entitled an act to provide for the payment of the instalments on the shares reserved to the State

in the Capital Stock of the Bank of the State of North-Carolina, has been obtained.

Mr. Patton introduced a Resolution in favor of Wm. D. Alexander; which was read the third time, passed, and on Mr. Patton's motion, referred to the Committee on Claims.

The bill to incorporate the Milton Manufacturing Company was read the third time, passed, and ordered to be engrossed.

The bill to repeal an act passed in the year 1835, entitled an act to annex part of Wilkes county to the county of Ashe, was on motion of Mr. Petty, referred to the Committee on Propositions and Grievances; to which Committee was also referred on Mr. Petty's motion, a petition from sundry citizens of the county of Wilkes, on that subject.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of Eliakin Cox and Tilman Vestal, and asking the concurrence of this House.

The said Resolution was read the first time and passed, and, on motion of Mr. Graham, referred to the Committee on Claims.

A message from the Senate, proposing that the two Houses adjourn *sine die* on the second day of January next; the message on motion of Mr. I. W. Lane, was laid on the table.

On motion of Mr. Blount,

Resolved, That the Committee on the Judiciary be directed to inquire into the expediency of passing a general law upon the subject of altering names, and legitimating persons.

The bill to erect a new county by the name of Madison, was, on motion of Mr. Patton, referred to the Committee on Propositions and Grievances.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that the two Houses do on to-morrow at 12 o'clock, go into an election of Senator in the Congress of the United

States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum, and informing that the name of Robert Strange is in nomination for the appointment.

On motion of Mr. J. W. Guinn, the vote of yesterday referring to the Committee of Finance, the Resolution directing the Public Treasurer to receive in payment for Cherokee Lands, certain notes of the Banks of Virginia, Georgia, South Carolina and Tennessee, was re-considered, and the said Resolution referred to the joint Select Committee on Cherokee Lands.

Mr. Fisher introduced a bill concerning bodies corporate in this State, which was read the first time and passed.

The Speaker appointed Messrs. McNeill, Roberts and Granberry, to compose on behalf of the Commons, the joint Select Committee on the Library.

The resignations of William P. Johnson, as Colonel Commandant of the 53d Regiment of Militia, and of James B. Canton, as a Justice of the Peace for the county of Rutherford, were presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 2, 1836.

Mr. Clayton introduced a Resolution in favor of John Miller, which was read and on motion of Mr. Clayton, referred to the Committee on Claims.

Mr. Maclin, from the Committee on Claims, to whom was referred the engrossed Resolution in favor of Eliakin Cox and Tilman Vestal, reported the same without amendment. The said Resolution was thereupon read the second time and passed.

On motion of Mr. J. W. Guinn, the said Resolution was read the third time passed and ordered to be enrolled.

Received a message from the Senate, proposing to raise a joint Select Committee consisting of five members on the part of each House, to be selected from the Newbern Judicial Circuit, to inquire into the expediency of altering the time of holding the Superior Courts of said Circuit.

The proposition was agreed to, and Messrs. Marshall, Hooker, Jarman, Farrow and Satterthwaite, appointed to compose said Committee on behalf of this House.

A message from the Senate, agreeing to print the Report of the Commissioners on the Revised Statutes.

A message from the Senate, proposing to raise a joint Select Committee of three on the part of each House, to take into consideration so much of the amended Constitution as requires the General Assembly to prescribe by law the manner in which it shall determine contested Elections for Governor.

The proposition was agreed to, and Messrs. Hutchison, Williamson and Cotten, appointed the Committee on behalf of the Commons.

A message from the Senate, proposing to raise a joint Select Committee of three on the part of each House, to arrange and prescribe the time and manner for the assembling of the two Houses of the Legislature, in order to compare the votes in the late Election of Governor, and announce the result, and informing that Messrs. Edwards, Hargrave and Hill, form the Committee on the part of the Senate.

The proposition was agreed to, and Messrs. Fisher, K. Whitley and Hawkins, appointed to form said Committee on the part of this House.

Mr. Satterthwaite, from the Committee on Claims, to whom was referred the Resolution directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina, reported the same with an amendment.

The amendment was concurred in, and the said Resolution read the second and third time, passed, and ordered to be engrossed.

The bill to lay off and establish a county by the name of Jefferson, was read the second time, and the question, "shall the said bill pass the second reading," was determined in the negative—Yeas 48, Nays 65. The Ayes and Noes demanded by Mr. Watson.

Those who voted in the affirmative, were :

Messrs. Adams, Bedford, Boon, Braswell, Brummell, Byrd, Campbell, Calloway, Chambers, Clayton, Clement, Cotten, Courts, Covington, Cox, Crawford, Critz, Fisher, Gales, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, W. Harris, Hooker, Horton, Irion, Jefferson, E. Jordan, N. J. King, W. B. Lane, W. A. Lea, Lindsay, Loudermilk, C. H. Matthews, E. P. Miller, W. J. T. Miller, McClennahan, McNeill, Nye, Patton, Pinkston, Roberts, Simpson, Smith, Stockard, Ward, Williamson—48.

Those who voted in the negative, were :

Messrs. Averitt, Blount, Caldwell, Cansler, Coor, Daniel, Davenport, Davis, Dunn, Eaton, Erwin, Faison, Farrow, Fleming, Gary, Gee, George, Gillespie, Gilliam, Grady, Granberry, W. S. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hoskins, Howard, Howerton, Hutchison, Jarman, D. Jordan, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Marshall, I. Matthews, Maultsby, Moore, Moye, McAlister, McRae, Neal, J. H. Perkins, A. Perkins, Petty, Pritchard, Rand, Roebuck, Satterthwaite, Sloan, Spellar, Spiers, Stallings, Swift, Thomas, Tomlinson, Tuton, Watson, R. Whitley—65.

A message from the Senate, concurring in the proposition of this House, to raise a joint select Committee, to whom shall be referred the Report of the Commissioners appointed to revise and digest the Public Statute Laws; and informing that Messrs. Taylor, Morehead, Carson, Mebane, Kelly, and Arrington, compose their branch of said Committee.

Ordered, That Messrs. Graham, Gales, Gilliam, J. W. Guinn, Hoskins and Moore, form said Committee on the part of this House.

A message from the Senate, Concurring in the proposition of this House, to raise a joint select Committee, consisting of two on the part of the Senate, and four on the part of the Commons, from the counties of Lincoln and Rutherford, to whom the memorial from sundry citizens of said county be referred; and informing that Messrs. Carson and Reinhardt, compose their branch of the Committee.

Ordered, That Messrs. Bedford, W. J. T. Miller, Hol-

land, and Ward, form said Committee on the part of this House.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 12 o'clock to-morrow, go into an election for a Senator in the Congress of the United States, to supply the vacancy occasioned by the resignation of the Hon. Willie P. Mangum.

A message from the Senate, concurring in the proposition of this House, to raise a joint select Committee on the subject of the public buildings, and the re-building of the Capitol; and informing that Messrs. Polk, Whitaker, Albright, Moody, and Hussey, compose their branch of said Committee.

Ordered, That Messrs. Gilliam, Gales, Rand, Hartley, and McClennahan, form said Committee on the part of the Commons.

Mr. W. J. T. Miller introduced certain documents relating to the petition of certain citizens of the counties of Lincoln and Rutherford; which were, on his motion, referred to the joint select Committee on that subject.

Mr. Smith presented a bill to amend an act passed at the last General Assembly, entitled an act making it the duty of the Governor, to convey to the Justices of Haywood county, certain lands therein named. Said bill was read the first time and passed.

The bill to lay off and establish a county by the name of Davie, was, on motion of Mr. Fisher, ordered to lie on the table.

The bill concerning bodies corporate in this State, was read the second time and passed.

The bill allowing public Officers, or their Deputies, to administer oaths in certain cases, was read the third time, passed, and ordered to be engrossed.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 3, 1836.

Mr. Courts, from the Committee on Propositions and Grievances, to whom the matter had been referred, reported a bill to emancipate Henry, Fanny, and John, slaves and children of Miles Howard. The bill was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, to whom was referred the bill making Sheriffs officially liable in certain cases, reported the same with amendments; which were concurred in, and the bill read the second time and passed.

Received from his Excellency, the Governor, a communication in answer to the call of of this House, for information touching the State loan of \$400,000. The communication was read, and, on motion of Mr. Graham, referred to the Committee on Finance.

Mr. Satterthwaite introduced a bill concerning Sheriffs' returns of elections for Governor, and to make compensation for holding said election; and also for comparing the polls of Senatorial elections in certain Districts; which was read the first time and passed; and, on motion of Mr. Williamson, ordered to lie on the table.

Mr. J. W. Guinn presented the petition of Daniel Bryson, of Macon county, praying leave to occupy, for life, a portion of the State lands in said county, in consideration of his Revolutionary services. On Mr. Guinn's motion, the petition was referred to the Committee on Claims.

The bill concerning bodies corporate in this State, was read the third time, passed, and ordered to be engrossed.

The bill to amend an act passed at the last General Assembly, entitled an act making it the duty of the Governor, to convey to the Justices of Haywood county, certain lands therein named, was read the second time and passed.

Mr. Dillon Jordan moved that the vote of yesterday, rejecting the the bill to lay off and establish a new county by the name of Jefferson, be reconsidered. The question thereon, was decided in the negative.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of Simon Smithwick, of Martin county, and asking the concurrence of this House. The said Resolution was read the first time and passed.

Received from the Senate a communication from his Excellency the Governor, transmitting the Report of Wm. H. Haywood, Jun. Esq. the Commissioner appointed to negotiate the State loan authorized by an act of the last General Assembly. On motion of Mr. Graham, said documents were referred to the Committee on Finance.

Mr. D. Jordan, from the joint select Committee raised on that subject, reported a bill to receive the portion of the public money to which the State of North-Carolina is entitled, under the act of Congress to regulate the Deposites of the Public money—and prayed to be discharged from the further consideration of the subject. The Committee was discharged, as prayed for.

The said bill was read the first time and passed, and, on motion of Mr. Graham, ordered that it be printed, and made the Order of the day for Monday next.

On motion, leave of absence from the service of the House, from and after this day, until Tuesday next, was granted to Mr. N. J. King.

On motion, like leave was granted, till Thursday next, to Mr. D. Jordan.

A message from the Senate, concurring in the proposition of this House, to vote for a Senator in Congress, this day, at 12 o'clock, and informing that the name of Thomas Settle is added to the nomination for said appointment.

In pursuance of the agreement of the two Houses, the House of Commons, at 12 o'clock, proceeded to vote for a Senator in the Congress of the United States, to fill the vacancy occasioned by the resignation of Willie P. Mangum; when, on calling the roll, the following persons voted

FOR ROBERT STRANGE, VIZ:

MESSRS. Averitt,
Blount,
Braswell,

MESSRS. Judkins,
Kenan,
I. W. Lane,

Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Courts,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
D. Jordan,

W. A. Lea,
J. F. Lea,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—61.

And the following persons voted

FOR THOMAS SETTLE, viz :

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,

MESSRS. Horton,
Hoskins,
Howard,
Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,

Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fisher,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,

I. Matthews,
C. Matthews,
Maultsby
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas—58.

A message from the Senate, informing that Messrs. Kelly and Arrington are appointed on the part of the Senate, superintendants of the election for U. S. Senator.

Ordered, That Messrs. Hutchison and I. Matthews superintend the same on behalf of the Commons.

A message from the Senate, proposing to go into an election on Monday next, at 12 o'clock, for Comptroller and Public Printer, and informing that W. F. Collins is in nomination for the appointment of Comptroller.

On motion of Mr. Hoke,

Ordered, That the said message lie on the table.

The Certificate of the County Court of Cumberland, in favor of Isabella Campbell, a State Pensioner, was received from the Senate, countersigned by the Speaker of that body. The same was read and ordered to be countersigned by the Speaker of this House.

The resignation of Jonathan Tipton, as a Justice of the Peace of the county of Yancy, was presented, read and accepted.

Mr. Hutchison, from the Committee appointed to superintend the election for a Senator in Congress, to fill the unexpired term of Hon. Willie P. Mangum, reported, that upon comparing the votes of the two Houses, it appeared that Robert Strange had received a majority of the whole number, and that he was duly elected. The report was concurred in.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 5, 1836.

On motion, leave of absence from the service of the House, from this day till Wednesday next, was granted to Mr. Faison.

Mr. Graham, from the Committee on the Judiciary, who were instructed to inquire into the expediency of increasing the compensation to witnesses, in certain cases, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Graham, from the same Committee, reported the bill declaring that the shares of stock in incorporated Companies shall be deemed and taken as personal estate, with sundry amendments.

The amendments were concurred in, and the bill read the second time, as amended, and passed.

Mr. Graham, from the same Committee, who were instructed to inquire into the expediency of amending the law so as to affix the penalty of whipping to the crime of malicious mischief, in certain cases, reported against the legislation as contemplated, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Messrs. Averitt, R. Whitley, Blount, and Ward, were appointed a Committee on Enrolled Bills for the present week.

Mr. Stockard, on motion, obtained leave to withdraw from the files of the House the petition and documents relating to the division of the county of Orange.

The Speaker laid before the House the Report of the President and Directors of the Raleigh and Gaston Rail Road Company; which, on motion of Mr. Graham, was referred to the Committee on Internal Improvement.

Mr. J. W. Guinn presented a petition from sundry citizens of the county of Macon, praying a division of the Militia of said county into two distinct Regiments; which, on motion of Mr. Guinn, was referred to the Committee on Military Affairs.

Mr. Petty introduced a bill limiting the time in which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto, which was read the first time, and passed.

The bill to amend an act, passed at the last session of the General Assembly, entitled an act making it the duty of the Governor, to convey to the Justices of Haywood county certain lands therein named, was read the third time and passed, and ordered to be engrossed.

The bill increasing the liabilities of Sheriffs, was read the third time, passed, and ordered to be engrossed.

The bill to emancipate Fanny, Henry and John, slaves and children of Miles Howard, and the Resolution in favor of Simon Smithwick of Martin county, were severally read the second time and passed.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of James Hart of Carteret county, and asking the concurrence of this House.

The said Resolution was read the first time and passed.

Mr. Hill introduced a Resolution directing the burning of Treasury notes, which was read the first, second and third times, (two-thirds of the House concurring) passed and ordered to be engrossed.

The bill to receive the proportion of the Surplus Revenue, to which the State of North Carolina is entitled under the Act of Congress, to regulate the deposits of the

Public Money, was read the second time, and, on motion of Mr. Graham, amended, and the question shall the said bill pass the second reading, was determined in the affirmative unanimously, Yeas 108; the Yeas and Nays demanded by Mr. Rayner.

Those who voted in the affirmative, were :

Messrs. Adams, Averitt, Blount, Boon, Braswell, Brummell, Byrd, Campbell, Caldwell, Calloway, Cansler, Chambers, Clayton, Clement, Coor, Cotten, Courts, Covington, Cox, Crawford, Critz, Daniel, Davenport, Davis, Dunn, Eaton, Erwin, Fisher, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hoskins, Hutchison, Irion, Jarman, Jefferson, E. Jordan, Judkins, Kenan, J. A. King, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Loudermilk, Marshall, L. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McAllister, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Speller, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, Walker, Ward, Watson, R. Whitley, K. Whitley, Williamson—108.

On motion of Mr. Fisher, the said bill was read the third time, passed and ordered to be engrossed.

The bill declaring that the shares of stock in incorporated Companies, shall be deemed and taken as personal estate, was read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the following Resolution, viz :

Resolved, That the Speakers of the two Houses of the General Assembly, notify the Hon. Robert Strange of his election to the Senate of the United States, to fill the vacancy occasion by the resignation of the Hon. W. P. Mangum, and transmit to him certificates thereof, according to the act of 1789, and asking the concurrence of the House therein.

The said Resolution was read and adopted.

[Received from his Excellency, the Governor, a message transmitting the returns of the several Sheriffs of the State, of votes given for Electors of President and Vice President of the United States, and announcing the result.

The message was read, and, on motion of Mr. J. W. Guinn,

Ordered, That it be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 6, 1836.

Mr. Maclin, from the Committee on Claims, to whom was referred the Resolution in favor of James C. Turrentine, and the Resolution in favor of William D. Alexander, reported the same without amendment.

The said Resolutions were severally read the second time and passed.

Mr. Gilliam presented a bill to amend an act, entitled an act to establish a department for adjudicating and liquidating the Public Accounts of this State, and for appointing a Comptroller and other purposes, which was read the first time and passed.

Mr. Graham, from the Committee on the Judiciary, who were instructed to enquire whether the act of the last General Assembly, entitled an act to regulate the mode of passing private acts of the General Assembly, be applicable to the proceedings of the Legislature under the amended Constitution, and also to ascertain and determine what laws are properly denominated public, and what private acts, made a report, and asked to be discharged from the further consideration of the subject.

The Committee was discharged as prayed for, and, on motion of Mr. Hawkins,

Ordered, That said Report be printed.

Mr. Hollingsworth introduced a bill restricting the Term of Cumberland Superior Court to one week, which was read the first time and passed.

The Resolution in favor of Simon Smithwick, of Martin county, was read the third time, passed, and ordered to be enrolled.

The bill to emancipate Henry, Fanny and John, slaves and children of Miles Howard, was read the third time,

and the question shall the said bill pass the third reading, was determined in the affirmative, Yeas 68, Nays 39.

The Yeas and Nays demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Blount, Boon, Brummell, Byrd, Calloway, Candler, Chambers, Clayton, Clement, Cotten, Courts, Covington, Critz, Cox, Crawford, Davenport, Dunn, Eaton, Farrow, Fisher, Fleming, Gales, Gary, Gee, George, Gilliam, Grady, Graham, J. W. Guinn, L. A. Gwyn, Guthrie, W. Harris, Henry, Hoke, Hollingsworth, Horton, Hutchison, Irion, Jarman, Jefferson, E. Jordan, W. A. Lea, Lindsay, Loudermilk, Marshall, I. Matthews, Maulsby, W. J. T. Miller, Moore, McAllister, McNeill, McRae, Neale, Nye, Patton, Petty, Pinkston, Rand, Rayner, Roberts, Satterthwaite, Simpson, Smith, Tuton, Ward, Watson 68.

Those who voted in the negative, were :

MESSRS. Braswell, Campbell, Caldwell, Coor, Daniel, Davis, Erwin, Gillespie, Granberry, W. S. Harris, Hartley, Hawkins, Hill, Holland, Hooker, Howard, Howerton, Judkins, Kenan, W. B. Lane, I. W. Lane, J. F. Lee, E. P. Miller, Moye, J. H. Perkins, A. Perkins, Pritchard, Roebuck, Sloan, Smallwood, Speller, Spiers, Stallings, Stockard, Swift, Thomas, R. Whitley, K. Whitley, Williamson—39.

Ordered, That said bill be engrossed.

The engrossed Resolution in favor of James Hart, of Carteret county, was read the second time and passed.

The bill limiting the time in which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto, was read, and, on motion of Mr. J. W. Guinn, referred to the Committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed bill to amend an act passed in 1830, and 1831, entitled an act to authorize the appointment of Commissioners to take the acknowledgement and proof of Deeds; and asking the concurrence of this House.

The said bill was read the first time and passed, and, on motion of Mr. Moore, referred to the Committee on the Revised Code.

A message from the Senate, informing that they had passed the engrossed Resolution directing the Public Treasurer to receive, in payment for Cherokee lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina, with amendments; and asking the concurrence of this House. The proposed amendments were read and disagreed to.

Mr. Graham presented the following Resolution, viz :

Resolved, That the fifth Joint Rule of the two Houses, be suspended in its application to all bills reported from the Joint Select Committee on the Revised Statutes ; and that all such bills may be sent from one House to the other, under the signature of the Clerk, without engrossment, unless he may deem it necessary.

The Resolution was read and adopted, and ordered to be transmitted to the Senate for concurrence.

On motion of Mr. Fisher,

Ordered, That a message be sent to the Senate, proposing that the Joint Rules of Order, for the regulation of the intercourse between the two Houses, be re-printed.

A message from the Senate, proposing to go into an election for Public Printer, on Wednesday the 7th instant, at 12 o'clock, and asking the concurrence of this House.

The Message, on motion of Mr. Hoke, was ordered to lie on the table.

Mr. Fisher, from the Committee on Internal Improvement, to whom was referred a bill to incorporate the Norfolk and Edenton Rail Road Company, reported the same with amendments.

The amendments were concurred in, and the said bill read the second time, as amended, and passed.

Mr. Moore, from the Committee on the Revised Statutes, reported No. 1, entitled a bill ascertaining the mode of proving Book Debts.

The said bill was read the first time and passed.

Mr. Moore, from the same Committee, reported a bill concerning Wrecks and wrecked property ; and a bill concerning Public Documents. These bills were severally read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 7, 1836.

Mr. Holland introduced the following Resolution, viz :

Whereas, by the 9th Section of an act passed in 1777,

entitled an act directing the method of electing members of the General Assembly, and for other purposes, all elections shall begin at 12 o'clock at noon, and not before; whereby many persons are prevented voting, who are forced to attend on other business in the after part of the day. Therefore,

Resolved, That the Committee on Propositions and Grievances, be instructed to enquire into the propriety of amending said Act, so as to permit all Sheriffs and other Officers, who are authorized to hold the same, to open and begin all elections at an earlier hour, in each and every day; and that they report by bill or otherwise.

The said Resolution was read and adopted.

On motion of Mr. Crawford,

Ordered, That the printed copies of the Revised Statutes, as reported by the Commissioners, be distributed, one copy to each member of the Legislature.

Mr. J. W. Guinn introduced a bill in favor of John Timson and others; which was read the first time and passed; and, on Mr. Guinn's motion, referred to the Committee on the Judiciary.

A message from the Senate, informing that they had passed the engrossed Resolution relative to the election of Governor; and asking the concurrence of this House.

The Resolution was read, and amended on motion of Mr. Fisher.

Ordered, That the concurrence of the Senate be asked in the said amendment.

A message from the Senate, informing that they had passed the engrossed Resolution authorizing his Excellency, the Governor, to draw for the payment of expenses of Cherokee land sales, and asking the concurrence of this House. The said Resolution was read the first time and passed.

A message from the Senate, proposing a suspension of the fifth Joint Rule of Order, so far as relates to the engrossment of bills reported by the Committee on the Revised Code.

The said message was, on motion of Mr. Graham, ordered to lie on the table.

Mr. Graham, from the Committee on the Revised Code, reported a bill concerning the Comptroller, and a bill concerning the Treasurer of the State. These bills were severally read the first time and passed.

Mr. Moore, from the same Committee, reported the following bills, viz : A bill concerning the mode of choosing Senators and Representatives in the Congress of the United States ; a bill concerning Bastardy, and prescribing the mode of legitimating Bastard children, in certain cases ; a bill concerning Attorneys at Law ; and a bill concerning Constables.

These bills were severally read the first time and passed.

Mr. Courts, from the Committee on Propositions and Grievances, reported a bill to emancipate Isaac, a slave. Said bill was read the first time and passed.

Mr. Courts, from the same Committee, reported unfavorably on the petition of William Arthur, of Rutherford county, in relation to the emancipation of a slave named Sanders ; and asked to be discharged from the further consideration thereof.

The report was concurred in, and the Committee discharged as prayed for.

The bill restricting the Term of Cumberland Superior Court to one week ; and the bill to amend an act, entitled an act to establish a department for adjusting and liquidating the public accounts of this State, and for appointing a Comptroller, and for other purposes, were each read the second time and passed.

The Resolution in favor of William D. Alexander ; and the Resolution in favor of James C. Turrentine, were each read the third time, passed, and ordered to be engrossed.

The engrossed Resolution in favor of James Hart, of Carteret county, was read the third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had

passed the engrossed Resolution in favor of Samuel S. Gedney, and Turner and Hughes; and asking the concurrence of this House.

The said Resolutions were read the first time and passed.

On motion of Mr. Fisher,

Resolved, That a message be sent to the Senate, proposing to raise a joint select Committee, consisting of thirteen members selected from the several Congressional Districts, on the part of each House, to be appointed by the members from the counties composing said Districts respectively, whose duty it shall be to enquire what will be the most judicious investment or appropriation of that portion of the Surplus Revenue of the Federal Government, to be received by North Carolina; and that said Committee have leave to report by bill or otherwise.

Mr. Erwin introduced a bill to incorporate the General Mining and Manufacturing Association; which was read the first time and passed, and, on motion of Mr. Erwin, referred to the Committee on Internal Improvements.

Mr. D. Jordan introduced a petition signed by sundry citizens of the counties of Cumberland, Moore, Wake and Chatham, praying the erection of a new county. Said petition was, on Mr. Jordan's motion, referred to the Committee on Propositions and Grievances.

The Revised bill concerning Wrecks and wrecked property, was read the second time, amended, and passed.

The Revised bill ascertaining the mode of proving Book Debts, and the Revised bill concerning Public Documents, were severally read the second and third times, passed, and ordered to be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 8, 1836.

Mr. Smith introduced a Resolution in favor of Jonathan Woods; which was read the first time and passed, and, on Mr. Smith's motion, referred to the Committee on Military Affairs.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported the following bills, viz: A bill to prevent Abatement of Suits in certain cases; a bill to prevent the destruction of Oysters in this State; a bill concerning the Secretary of State; and a bill concerning Mad Dogs.

These bills were read the first time and passed.

Mr. Hoskins, from the same Committee, reported the following bills, viz: A bill concerning Religious Societies and Congregations; a bill prescribing what shall be evidence in certain cases; and a bill concerning Quarantine, and to prevent the introduction and communication of contagious diseases.

These bills were read the first time and passed.

Received a message from the Senate, concurring in the amendment of the House of Commons to the engrossed Resolution relative to the election of Governor.

Ordered, That said Resolution be enrolled.

A message from the Senate, concurring in the proposition of this House, to re-print the Joint Rules of Order.

Mr. Moore, from the Committee on the Revised Code, reported a bill concerning Entries and Grants of Land—which was read the first time and passed.

The Speaker laid before the House the Report of the Adjutant General of the Militia of North Carolina; which, on motion of Mr. Graham, was referred to the Committee on Military Affairs, and ordered that it be sent to the Senate, and be printed.

The resignation of Reading Grist, as a Justice of the Peace for the county of Beaufort, received from the Senate, was read and accepted.

Mr. Graham, from the Committee on Revised Statutes, reported a bill concerning Bail in certain cases; also, a bill providing for the support of the Poor.

These bills were read the first time and passed.

Mr. Moore presented the following Resolution, which was read and rejected, viz:

Resolved, That whenever the Joint Select Committee on the

Revised Code deem it necessary to propose amendments to any of the bills prepared by the Commissioners, they may incorporate such amendments, and report the bills, thus amended, to either House, as original bills.

Resolved, That the foregoing Resolution be immediately sent to the Senate, asking their concurrence therein.

Mr. Hoke offered the following Resolution, viz:

Resolved, That a message be sent to the Senate, proposing that the two Houses vote on Wednesday next, at 12 o'clock, for Senator of the United States Congress, for six years from and after the 3d of March next.

Mr. Gilliam moved that the said Resolution lie on the table.

The question thereon was decided in the negative—Yeas 57, Nays 59; the Yeas and Nays demanded by Mr. McNeill.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Boon, Brummell, Campbell, Clayton, Clement, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Farrow, Fisher, Fleming, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, D. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Patton, J. H. Perkins, Petty, Rinkston, Pritchard, Rayner, Satterthwaite, Smallwood, Swift, Thomas—57.

Those who voted in the negative, were:

MESSRS. Averitt, Blount, Braswell, Byrd, Caldwell, Calloway, Chambers, Cansler, Coor, Cotten, Courts, Critz, Daniel, Davis, Dunn, George, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, Jarman, Judkins, Kenan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Marshall, Moye, McNeill, Neale, Nye, A. Perkins, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Speller, Spiers, Stallings, Stockard, Tomlinson, Tuton, Walker, Ward, Watson, R. Whitley, K. Whitley, Williamson—59.

The proposition was amended by striking out the words "Wednesday next," and inserting "Friday, the 16th inst."

Mr. Gnthrie moved that the farther consideration of the subject be postponed till Friday, the 16th of the present month. The question thereon was decided in the negative.

The question being then put on the adoption of the Resolution, as amended, was determined in the negative.

The Revised bill concerning Wrecks and wrecked property, was read the third time and passed, and ordered to be sent to the Senate.

The House then adjourned until Friday morning, 10 o'clock.

FRIDAY, DECEMBER 9, 1836.

Mr. Erwin presented a petition from sundry citizens of Burke county, in relation to the erection of a new county, which, on motion of Mr. Erwin, was referred to the Committee on Propositions and Grievances.

Mr. Graham presented a counter memorial from many citizens of the county of Orange, in relation to the erection of a new county from a portion of its limits.

Said memorial was on Mr. Graham's motion, laid on the table.

Mr. Caldwell introduced the following Resolution, viz:

Whereas, by the 4th section of the 4th Article of the Amendments to the Constitution of the State of North Carolina, "no person who shall hold any office or place of trust or profit under the United States or any department thereof, shall be eligible to a seat in either House of the General Assembly;" *And whereas*, William H. Harris, one of the Representatives chosen in Montgomery county to a seat in this House of Commons, held the office of Post Master at Narrowsville in Montgomery county before and at the time of his election, and held the said office at the time he took his seat in this body, and also now holds the said office contrary to the express provisions of the Constitution; Therefore

Resolved, By the House of Commons, that the said William H. Harris is not eligible to a seat in the House of Commons, and that his seat therein shall be and the same is hereby vacated.

The said Resolution was read, and, on motion of Mr. Guthrie, referred to the Committee on Privileges and Elections.

The following Resolution also was introduced by Mr. Caldwell, viz :

Whereas, by the 4th section of the 4th Article of the Amendments to the Constitution of this State, "no person who shall hold any office or place of trust or profit under the United States or any department thereof, shall be eligible to a seat in either House of the General Assembly; *And whereas*, Meshach Pinkston, one of the Representatives chosen in Davidson county to a seat in this House of Commons, held the office of Post Master at Jersey Settlement, before and at the time of his election; *And whereas*, also, by the sixth section of the Constitution of this State, "each member of the House of Commons shall have usually resided in the county in which he is chosen, for one year immediate preceding his election;" and also, by the 2d section of the 1st Article of the Amendments to the said Constitution, until the first session of the General Assembly after the year 1841, the House of Commons shall be composed of members elected in the following manner, to wit:

The counties of Lincoln and Orange shall elect four members each; the counties of Burke, Chatham, Granville, Guilford, Halifax, Iredell, Mecklenburg, Rowan &c. shall elect three members each; the counties of Anson, Beaufort, Bertie, Buncombe, Craven, Caswell, Davidson &c. shall elect two members each &c. *And whereas*, Meshack Pinkston, before and at the time of his election, resided within that territory known by the name of Rowan county, at the formation of said Amendments and at their adoption by the people, and did not reside in that territory then known as Davidson county; Therefore

Resolved, By the House of Commons, that the said Meshack Pinkston is not eligible to a seat in this House of Commons, as a Representative from Davidson county, and that his seat as a member of this House be and the same is hereby vacated.

The foregoing Resolution was read, and, on motion of Mr. Clement, referred to the Committee on Privileges and Elections.

Mr. Crawford presented the following Resolution, viz:

Resolved, That a message be sent to the Senate, proposing to go into the election of a Comptroller of Public Accounts, tomorrow at 12 o'clock.

Ordered, On motion of Mr. McNeill, that said Resolution lie on the table.

Mr. Farrow presented a petition and counter petition from sundry citizens of the county of Hyde, in relation to a removal of the Public buildings of said county.

These petitions were on motion of Mr. Farrow, ordered to be transmitted to the Senate, with a proposition that they be referred to a joint Select Committee.

The bill to lay off and establish a county by the name of Davie, was read the second time, and the question shall the said bill pass the second reading, was decided in affirmative, Yeas 65, Nays 49.

The Yeas and Nays demanded by Mr. Tuton.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Boon, Brummaell, Braswell, Byrd, Campbell, Caldwell, Calloway, Cansler, Chambers, Clayton, Clement, Cotten, Courts, Covington, Cox, Crawford, Critz, Dunn, Erwin, Farrow, Fisher, Gales, Grady, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hoke, Holland, Hollingsworth, Horton, Hutchison, Irion, Jefferson, E. Jordan, D. Jordan, N. J. King, W. B. Lane, W. A. Lea, Lindsay, Loudermilk, C. H. Matthews, E. P. Miller, W. J. T. Miller, McAllister, McClennahan, McNeill, McRae, Nye, Patton, Petty, Pinkston, Rand, Roberts, Simpson, Smallwood, Smith, Stockard, Thomas, Ward, Williamson—65.

Those who voted in the negative, were :

MESSRS. Averitt, Blount, Daniel, Davenport, Davis, Eaton, Fleming, Gary, Gee, George, Gillespie, Gilliam, Granberry, Hartley, Hawkins, Henry, Hill, Hooker, Hoskins, Howard, Howerton, Jarman, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Marshall, I. Matthews, Maultsby, Moore, Moye, Neale, J. H. Perkins, A. Perkins, Pritchard, Rayner, Roebuck, Satterthwaite, Sloan, Speller, Spiers, Stallings, Swift, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley—49.

On motion of Mr. Clement, the said bill was again read the third time, passed, and ordered to be engrossed.

Mr. Caldwell presented the following Resolution, viz:

Whereas, by the 4th section of the 4th Article of the Amendments to the Constitution of this State, "no person who shall hold any office or place of trust or profit under the United States, or any Department thereof, shall be eligible to a seat in either House of the General Assembly:" *And whereas*, John Clayton, one of the Representatives chosen in Buncombe county, to a seat in the House of Com-

mons, held the office of Postmaster at Mill River, in Buncombe county, before and at the time of his election, and continued to hold the said office until the 18th day of November, 1836, when he forwarded to the City of Washington, by mail, his resignation of said office, but the same was not received and accepted until after the said John Clayton took his seat as a member of this House, contrary to the express provisions of the Constitution: Therefore

Resolved, by the House of Commons, that the said John Clayton is not eligible to a seat in the House of Commons, and that his seat shall be, and the same is hereby vacated.

On motion of Mr. Guthrie, the said Resolution was referred to the Committee on Privileges and Elections.

Mr. Maclin proposed that a message be sent to the Senate, proposing that the two Houses do, to-day, go into an election for a Brigadier General of the 17th Brigade.

Ordered, on motion of Mr. Graham, that said proposition lie on the table.

On motion of Mr. McNeill,

Ordered, That Isaac Truitt employ a workman to cut a door in the railing, at the Bar of this House.

On motion of Mr. Farrow,

Resolved, That a Committee of five be appointed on the part of this House, to enquire into the expediency of amending the existing laws relative to Pilots and Pilotage.

Said Committee consists of Messrs. Farrow, Marshall, Henry, A. Perkins and Neale.

Mr. Rayner, from the Committee on Claims, reported the Resolution in favor of John Miller, without amendment, when the said Resolution was read the second and third times, passed, and ordered to be engrossed.

The Speaker laid before the House a message from his Excellency, the Governor, transmitting a Report from N. Edmonston, Esq. Commissioner on the part of the State for selling the Cherokee lands; which was read, and, on motion of Mr. Graham, referred to the Committee on Internal Improvement.

The bill restricting the term of Cumberland Superior

Court to one week ; the bill to amend an act to establish a Department for adjusting and liquidating the Public Accounts of this State, and for appointing a Comptroller and other purposes ; and the bill to incorporate the Norfolk and Edenton Rail Road Company—were severally read the third time, passed, and ordered to be engrossed.

The engrossed Resolution in favor of Turner & Hughes, and the engrossed Resolution authorizing the Governor to draw for the payment of expenses of Cherokee Land Sales, were each read the second and third times, passed, and ordered to be enrolled.

The engrossed Resolution in favor of Samuel S. Gedney was read the second time and passed.

The Revised bill concerning the mode of choosing Senators and Representatives in the Congress of the U. States, was read the second time and passed.

The Revised bill concerning Bastardy, and prescribing the mode of legitimating Bastard Children in certain cases, and a bill concerning Attornies at Law, were each read the second time and passed as amended.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 10, 1836.

Mr. Courts, from the Committee on Propositions and Grievances, reported unfavorably on the bill to repeal an act passed in the year 1835, entitled an act to annex part of Wilkes county to the county of Ashe ; when said bill was read and postponed indefinitely.

Mr. Courts, from the same Committee, who were instructed to enquire into the expediency of enlarging the time within which Sheriffs shall keep open the polls in holding elections, &c. reported against the propriety of legislating in the manner proposed, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Nye introduced a bill to regulate the Courts of Pleas and Quarter Sessions in the county of Ashe; which was read the first time and passed, and, on motion of Mr. Moore, referred to the Committee on Propositions and Grievances.

Mr. Coor presented a bill to incorporate the Town of Waynesborough, together with a petition from sundry citizens of that place, on this subject. The said bill was read the first time and passed, and, on motion of Mr. Moore, the said bill and petition were referred to the Committee on Private Bills.

On motion of Mr. Satterthwaite,

Resolved, That a message be sent to the Senate, proposing that the two Houses go into an election of Comptroller of this State, on Monday next, at the hour of 11 o'clock.

Mr. Graham, from the Committee on the Revised Code, reported a bill concerning Coroners, which was read the first time and passed.

Received a message from the Senate, informing that they had passed the engrossed Resolution authorizing the Public Treasurer to receive the purchase money of late Sales of the Cherokee Lands, and asking the concurrence of this House.

Said Resolution was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, proposing to raise a Joint Select Committee of two on the part of each House, to enquire what additional salary and compensation shall be allowed the Governor of this State, for the additional time he is compelled to exercise the functions of his office by the Ordinance of the late Convention, and for the use of the Government House by the General Assembly, and asking the concurrence of this House.

The said message was read and agreed to, and Messrs. Blount and Graham appointed the Committee on behalf of the Commons.

The engrossed Resolution in favor of Samuel S. Gedney, was read the third time, passed, and ordered to be enrolled.

The resignation of Moses Hewett, as a Justice of the Peace for the county of Brunswick, was presented, read and accepted.

The bill to emancipate Isaac, a slave, was read the second time and passed.

On motion, the said bill was again read the third time, and the question, shall the said bill pass the third reading, was determined in the affirmative—Yeas 65, Nays 46; the Yeas and Nays demanded by Mr. Hutchison.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Blount, Brummell, Campbell, Calloway, Clayton, Clement, Coor, Cotten, Courts, Covington, Cox, Crawford, Critz, Davis, Eaton, Fisher, Farrow, Fleming, Gales, Gilliam, Granberry, J. W. Guinn, Guthrie, W. Harris, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Howerton, Jarman, D. Jordan, N. J. King, W. B. Lane, I. W. Lane, Lindsay, Loudermilk, Maclin, Marshall, I. Matthews, Maulsby, Moore, McAllister, McClenahan, McNeill, McRae, Neale, Nye, A. Perkins, Petty, Pinkston, Pritchard, Rand, Roberts, Simpson, Sloan, Smallwood, Smith, Tuton, Walker, Ward, Watson—65.

Those who voted in the negative, are:

MESSRS. Bedford, Boon, Braswell, Caldwell, Cansler, Chambers, Daniel, Davenport, Dunn, Erwin, Faison, Gary, Gee, George, Grady, Graham, L. A. Gwyn, W. S. Harris, Hartley, Hawkins, Hooker, Hoskins, Howard, Hutchison, Irion, Jefferson, E. Jordan, Judkins, W. A. Lea, J. F. Lee, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moya, Patton, J. H. Perkins, Roebuck, Satterthwaite, Speller, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Williamson—46.

Ordered, That said bill be engrossed.

A message was now sent to the Senate, informing that body of the readiness of the House of Commons to receive them in their Hall, for the purpose of examining the votes given at the late election for Governor of the State, and informing that Messrs. Cansler and Rayner constitute, on the part of the Commons, the Joint Select Committee to conduct said examination.

A message was received from the Senate, informing that Mr. Polk is appointed to superintend said examination on behalf of the Senate.

The counting of the votes, according to the joint Resolution of the two Houses, having been concluded, and the Chair again resumed by the Speaker of the Commons, Mr. Cansler, on behalf of the Joint Select Committee, reported

that from the returns exhibited, EDWARD B. DUDLEY, of New-Hanover, had received 33,993, and RICHARD D. SPAIGHT, of Craven, had received 29,950 votes—making a majority, in the counties heard from, in favor of Edward B. Dudley, of 4,043 votes; and that no returns whatever had been received from the Sheriffs of the counties of Burke, Chowan and Gates.

Statement of the votes for Governor of the State, given by the People, at August, 1836:

	FOR DUDLEY.	FOR SPAIGHT.
Anson,	1012	274
Ashe,	376	431
Beaufort,	755	236
Bertie,	336	489
Bladen,	324	345
Brunswick,	359	124
Buncombe,	1194	533
Burke,		
Cabarrus,	643	227
Camden,	425	49
Carteret,	371	243
Caswell,	116	1067
Chatham,	932	627
Chowan,		
Columbus,	210	185
Craven,	268	669
Cumberland,	499	800
Currituck,	70	419
Davidson,	1289	69
Duplin,	300	754
Edgecomb,	71	1191
Franklin,	308	564
Gates,		
Granville,	977	391
Greene,	171	275
Guilford,	1143	475
Halifax,	565	465
Haywood,	143	459
Hertford,	376	264
Hyde,	450	158
Iredell,	1284	226
Johnston,	364	672
Jones,	228	121

	FOR DUDLEY.	FOR SPAIGHT.
Lenoir,	192	385
Lincoln,	695	1674
Macon,	275	450
Martin,	251	519
Mecklenburg,	869	1095
Montgomery,	1048	93
Moore,	342	545
Nash,	102	679
New-Hanover,	224	730
Northampton,	604	239
Onslow,	252	518
Orange,	1237	1132
Pasquotank,	491	259
Perquimons,	479	49
Person,	230	498
Pitt,	482	510
Randolph,	1000	112
Richmond,	617	60
Robeson,	409	508
Rockingham,	300	846
Rowan,	1642	117
Rutherford,	1478	588
Sampson,	419	666
Stokes,	828	802
Surry,	883	1035
Tyrrell,	359	25
Wake,	864	891
Warren,	92	673
Washington,	377	34
Wayne,	180	716
Wilkes,	1126	158
Yancy,	105	542
Aggregate,	33,993	29,950

Majority for Dudley, 4,043.

On motion of Mr. Hill,

Ordered, That a message be sent to the Senate, proposing that the Speakers of the two Houses announce the result to Edward B. Dudley, and inform him that he is duly elected Governor of the State, for two years, from and after the first day of January next.

On motion of Mr. Hawkins,

Resolved, That the Committee on Privileges and Elections be authorised to send for persons and papers, relative to any matter referred to them.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 12, 1836.

The Speaker laid before the House a Memorial from Nathaniel Simms, of Cabarrus county, contesting the election of William S. Harris, the sitting member from said county.

The Memorial was read, and, on motion of Mr. Harris, referred to the Committee on Privileges and Elections.

Messrs. Walker, Tuton, Tomlinson, and Boon, were appointed, for the present week, a Committee on Enrolled Bills.

The Speaker laid before the House a communication from the Hon. William Norword, resigning his office as a Judge of the Superior Courts of Law and Equity. The resignation was read and accepted.

A message from the Senate, concurring in the proposition of this House, to suspend the fifth Joint Rule of Order, so far as relates to bills reported from the joint select Committee on the Revised Statutes.

A message from the Senate, informing that they had passed the engrossed bill allowing Public Officers, or their Deputies, to administer oaths in certain cases, with an amendment; and asking the concurrence of this House therein. The amendment was read and agreed to.

A message from the Senate, informing that they had passed the engrossed bill to authorize Clerks and Masters in Equity in this State, to make title to real and personal estate, sold under a decree of the Court of Equity; and the engrossed Resolution in favor of George Williamson, late Sheriff of Caswell, and asking the concurrence of this House.

The said bill and Resolution were read the first time and passed; and the said bill, on motion of Mr. Moore, referred to the Committee on the Judiciary.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill providing for the election of Public Printer; and a bill to give to Lessors of land, a lien upon the crops of their Lessees for the payment of the rent; and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. D. Jordan, from the joint select Committee raised on the subject of the Public Printing, reported a bill prescribing the manner in which the Public Printing shall, in future, be regulated. Said bill was read the first time and passed.

Mr. J. W. Guinn presented a Memorial of certain purchasers of Indian reservations in Macon county, praying a confirmation of their titles; which was, on motion of Mr. Guinn, referred to the Committee on Internal Improvements.

Mr. Graham introduced a bill to incorporate the Raleigh and Columbia Rail Road Company, which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Fisher presented a memorial of Joseph Welch and Joshua Parsons, in relation to certain monies advanced them, for the construction of a road from Franklin in Macon county to the Tennessee line, which was, on his motion, referred to the Committee on Internal Improvement.

Mr. Hollingsworth presented a memorial from the Trustees of the Donaldson Academy and Manual Labor School of Fayetteville, asking an appropriation from the Public Funds in aid of said Institution; said memorial was read, and, on motion of Mr. McNeill, referred to the Committee on Education.

Mr. Fisher, from the Committee on Internal Improvement, to whom was referred the bill to incorporate the General Mining and Manufacturing Association, reported the same with an amendment; the amendment was agreed

to, and the bill as amended, read the second time and passed.

Received a message from the Senate, transmitting the resignation of the Hon. Robert Strange, as a Judge of the Superior Courts of Law and Equity.

The resignation was read and accepted.

A message from the Senate, proposing that the two Houses on Wednesday next, go into an election to fill the vacancy thus occasioned, and informing that Frederick Nash of Hillsboro', is in nomination for the appointment.

The proposition was read and disagreed to.

The Revised bill concerning the Comptroller, was read the second time and passed.

The Revised bill concerning the Treasurer of the State, was read the second time, amended, and passed.

The following resignations received from the Senate, viz : John M. Smith, of Davidson, William Allen, of Person, Alfred Hargrave and Peter Owen, of Davidson, Justices of the Peace, were read and accepted.

The Revised bill concerning the mode of choosing Senators and Representatives in the Congress of the United States ; the Revised bill concerning Attornies at Law ; the Revised bill concerning Constables ; and the Revised bill concerning the Comptroller ; were each read the third time, passed, and ordered to be sent to the Senate.

The Revised bill concerning Bastardy, and prescribing the mode of legitimating Bastard Children in certain cases, was, on motion of Mr. Crawford, laid on the table.

The Revised bill providing for the support of the Poor, was read the second time and passed.

On motion of Mr. Granberry,

Ordered, That a message be sent to the Senate, proposing that the two Houses on Thursday next at 12 o'clock, go into an election for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Hon. Robert Strange, and informing that John L. Bailey, of Pasquotank, is added to the nomination.

The Revised bill concerning the Secretary of State ; the Revised bill prescribing what shall be Evidence in certain cases ; the Revised bill concerning Mad Dogs ; the Revised bill to prevent the destruction of Oysters ; the Revised bill concerning Bail in civil cases ; and the Revised bill to prevent the Abatement of Suits in certain cases ; were severally read the second time, and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 13, 1836.

Mr. Graham, from the Committee on the Revised Code, reported the following bills, viz:

A bill for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the Militia service of this State, and providing for the widows and orphans of such as have died ; a bill concerning Overseers ; a bill for restraining the taking of excessive Usury ; a bill concerning the action of Replevin ; and a bill providing for the appointment of Electors to vote for a President and Vice President of the United States.

These bills were read the first time and passed.

Mr. Guthrie presented a Resolution in favor of James Cantle ; which was read the first time and passed, and, on Mr. Guthrie's motion, referred to the Committee on Claims.

Mr. Hawkins presented the following Resolution, viz:

Resolved, That the Chairman of the Committee on Privileges and Elections, be authorized to administer an oath in such cases as may come before said Committee, where testimony may be required.

Said Resolution was read, and, on motion of Mr. Hawkins, laid on the table.

Mr. Erwin presented a bill to amend a act passed in 1833, entitled an act to erect a new county by the name of Yancy ; which was read the first time and passed.

Mr. Hoskins, from the Committee on the Revised Code, reported the following bills, viz:

A bill concerning the Currency of this State, and a bill concerning Hunting.

These bills were read the first time and passed.

Mr. Moore, from the same Committee, reported a bill concerning the draining of Lands; a bill providing for the appointment of Notaries; and a bill concerning Corporations.

These bills were read the first time and passed.

Mr. Farrow, from the Committee raised on that subject, reported a bill to reduce into one the several acts concerning Pilots and Commissioners of Navigation; which was read the first time and passed.

The bill to incorporate the General Mining and Manufacturing Association, was read the third time, passed, and ordered to be engrossed.

The Revised bill to prevent the Abatement of Suits in certain cases, was read the third time, amended and passed, and ordered to be sent to the Senate.

The Revised bill concerning the Treasurer of the State, and the Revised bill concerning Bail in Civil cases, were each read the third time, passed, and ordered to be sent to the Senate.

Mr. Smith introduced a bill to repeal an act, entitled an act for the better administration of Justice in the county of Haywood, passed in the year 1834, and for other purposes; which was read the first time and passed.

The resignations of W. F. Wellons, of Johnston, of Moses Baker, of Edgecomb, and Wm. H. Thompson, of Onslow counties, Justices of the Peace, were presented, read and accepted.—

The Revised bill concerning Mad Dogs; the bill to prevent the destruction of Oysters; the bill prescribing Evidence in certain cases; the bill providing for the support of the Poor, and the bill concerning the Secretary of State—were each read the third time, and passed, and ordered to be sent to the Senate.

A message from the Senate, informing that they had passed the engrossed bill relative to the appointment of Comptroller, and asking the concurrence of this House.

The said bill was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, that the Speakers of the two Houses announce to Gen. Edward B. Dudley his election as Governor of the State.

A message from the Senate, agreeing to refer the memorials from Hyde county to a Joint Select Committee.

A message from the Senate, concurring in the proposition of this House, to raise a Joint Select Committee of one member on the part of each House, from each Congressional District, upon the disposition of the Surplus Revenue, allotted to North-Carolina, and informing that Messrs. Polk, Hawkins, Joyner, Morehead, Kelly, Davidson, Hussey, Spruill, Skinner, Whitaker, Reinhardt, Carson, J. W. Bryan, compose their branch of the Committee.

Ordered, That Messrs. Rayner, Moore, Smallwood, Hooker, Sloan, Bloquent, D. Jordan, Graham, W. A. Lea, Fisher, Cansler, Patton and Courts, form this Committee on behalf of the Commons.

A message from the Senate, agreeing to print the Annual Report of the Adjutant General.

Mr. I. W. Lane moved that the House do now take up and consider the message from the Senate, proposing that the Legislature shall adjourn on the second day of January next.

The question on this motion was decided in the negative, Yeas 45, Nays 68; the Yeas and Nays demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were:

Messrs. Braswell, Byrd, Caldwell, Cansler, Chambers, Coor, Cotten, Courts, Crawford, Daniel, Davis, Dunn, L. A. Gwyn, Henry, Hollingsworth, Hooker, Horton, Howerton, Hutchison, Irion, Jarman, D. Jordan, Kenan, N. J. King, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, Moye, Nye, A. Perkins, Petty, Rayner, Roebuck, Sloan, Speller, Spiers, Swift, Tomlinson, Tuton, Walker, Ward, Watson, R. Whitley, K. Whitley—45.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Blount, Boon, Campbell, Calloway, Clayton, Clement, Covington, Cox, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, George, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hartley, Hawkins, Hill, Hoke, Holland, Hoskins, Howard, Jefferson, E. Jordan, Judkins, W. B. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Neale, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Stallings, Stockard, Thomas, Williamson—68.

Mr. Rayner moved that a message be sent to the Senate, proposing to go into an election for Solicitor of the first Judicial Circuit, on to-morrow, at 12 o'clock.

On motion of Mr. Stallings, said proposition was laid on the table.

The Revised bill concerning Entries and Grants of Land, was read, and, on motion of Mr. J. W. Guinn, laid on the table.

The Revised bill concerning Religious Societies and Congregations, was read the second time, amended, and passed.

The Revised bill concerning Quarantine, and to prevent the introduction and communication of contagious diseases, was read the second time, amended, and passed.

Mr. Byrd introduced a bill for the distribution of the proceeds of the Public Deposites in the several counties in this State.

Said bill was read the first time and passed, and, on motion of Mr. Byrd, referred to the Joint Select Committee on the Public Deposites and Surplus Revenue.

Messrs. Farrow, Davenport, Swift, Smallwood, and Pritchard, were appointed to compose, on behalf of the Commons, the Joint Select Committee on the Memorials from Hyde county.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 14, 1836.

David H. Kenyan, the member elect from the county of Pasquotank, to supply the vacancy occasioned by the

resignation of John B. Muse, appeared, and was qualified according to law.

Mr. Gilliam presented a memorial from the Justices of the Peace of Granville county, in relation to a recent indictment against them in the Superior Court of said county, for not keeping in repair the Public Buildings of said county. Said memorial was read and referred to the Committee on the Judiciary.

Mr. McNeill introduced a Resolution in favor of John H. Hill; which was read the first, second, and third times, passed, and ordered to be engrossed.

A message from the Senate concurring in the proposition of this House, to vote on Thursday next, at 12 o'clock, for a Judge of the Superior Courts of Law and Equity, to fill the vacancy occasioned by the resignation of the Hon. Robert Strange.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported the following bills, viz: A bill concerning Strays; a bill concerning the Attorney General and Solicitors for the State; and a bill prescribing a mode by which Partition of real and personal Estates may be made among tenants in common; and in what cases such Estates may be sold for a division. These bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to establish a Department for adjusting and liquidating the Public Accounts of this State, and for appointing a Comptroller, and other purposes, with an amendment; and asking the concurrence of this House. The amendment proposed was disagreed to.

A message from the Senate, transmitting a Memorial and Report from the Wilmington and Raleigh Rail Road Company; which was read, and, on motion of Mr. Hill, referred to the Committee on Internal Improvement.

Mr. Rayner, from the Committee on Claims, to whom the subject had been referred, reported a Resolution in favor of Daniel Bryson; which was read the first and second times and passed.

Mr. Graham, from the Committee on the Revised Code, reported the following bills, viz : A bill concerning Idiots, and Lunatics ; a bill concerning Iron and Gold Mines ; a bill concerning Fences ; a bill concerning Weights and Measures ; and a bill authorizing Attachments to issue for the recovery of debts, and directing the proceedings thereon. These bills were severally read the first time and passed.

The Revised bill concerning Quarantine, and to prevent the introduction and communication of contagious diseases ; and the bill concerning Religious Societies and Congregations, were severally read the third time and passed, and ordered to be sent to the Senate.

The engrossed Resolution in favor of George Williamson, late Sheriff of Caswell county, was read, and, on motion of Mr. Graham, referred to the Committee on Claims.

Mr. Fisher introduced a bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company ; which was read the first time and passed, and, on motion of Mr. Fisher, referred to the Committee on Internal Improvement.

Mr. Hoskins presented the following Resolution, which was read and adopted, viz :

Resolved, That the Committee on the Judiciary be directed to enquire into the expediency of so amending the laws of this State, with regard to the election of Electors for a President and Vice President of the United States, the election of members of Congress in the House of Representatives ; of members of the General Assembly ; of Governor ; of Sheriffs, and Clerks of the Superior and County Courts, as to cause the election for the aforesaid several Officers, to be held on the same day, throughout the State, in the several years in which they are respectively required by law to be elected : And, also, to make such other and further amendments in the aforesaid laws, as they may deem most advisable ; and that they report by bill or otherwise.

The engrossed bill to give to Lessors of land a lien upon the Crops of their Lessees, for the payment of the rent, was read ; and, on motion of Mr. Gilliam, referred to the Committee on the Judiciary.

On motion of Mr. Swift,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 1 o'clock to-morrow, go into an election for a Solicitor in the first Judicial Circuit, and informing that the names of David Outlaw, of Bertie, and Thomas Bragg, of Northampton, are in nomination for the appointment.

The Revised bill concerning Coroners, was read the second time, amended, and passed.

A message from the Senate, proposing that the two Houses hold evening sessions from and after the 14th instant—commencing at 3 o'clock, and to be continued from day to day, at which, no proposition shall be entertained, except bills reported by the Committee on the Revised Code; and that the Joint select Committees have leave to hold their sessions during the sitting of the two Houses. The said message was, on motion of Mr. Hoke, laid on the table.

Mr. Crawford gave notice that he should, on to-morrow, move the adoption of the following Resolution, viz :

Resolved, That this House hold evening sessions, from and after the 14th instant, commencing at 3 o'clock, and to be continued from day to day, at which no proposition shall be entertained, except bills reported by the Committee on the Revised Code.

Mr. Nye introduced a bill, making compensation to the Jurors of Ashe county; which was read the first, second, and third times, passed, and ordered to be engrossed.

A message from the Senate, agreeing to go into an election for a Solicitor for the first Judicial Circuit, on to-morrow, at 1 o'clock.

The Revised bill concerning Pensions; the Revised bill concerning the Currency in this State; the bill concerning the draining of lands; the bill concerning Hunting; the bill concerning the action of Replevin; the bill for restraining the taking of excessive Usury; the bill concerning Overseers; the bill providing for the appointment of Notaries, were severally read the second time and passed.

The resignation of Abraham Lawrence, as a Justice of the Peace of the county of Granville, was presented, read, and accepted.

On motion of Mr. Crawford,

Ordered, That the Senate be informed, that the name of John S. Guthrie, of Chatham, is added to the nomination, for Solicitor for the first Judicial Circuit.

The Revised bill to reduce into one act, the several acts concerning Pilots and Commissioners of Navigation, was read the second time, amended, and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 15, 1836.

Mr. D. Jordan introduced a bill to incorporate the Rockfish Manufacturing Company of Fayetteville, which was read the first time and passed.

Mr. Smallwood, from the Committee raised on the memorials from certain citizens of Hyde county, reported a bill to change the site of the Court House and Jail of the county of Hyde, and for other purposes, which was read the first time and passed.

On motion of Mr. McNeill,

Ordered, That a message be sent to the Senate, informing that the name of Owen Holmes, of New Hanover, is added to the nomination for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Hon. Robert Strange.

A message from the Senate, proposing that an election be held on Monday next at 12 o'clock, for a Judge of the Superior Courts of Law and Equity, to fill the vacancy occasioned by the resignation of Hon. William Norwood, and informing that the name of Frederick Nash, of Orange, is in nomination for this office; the proposition was agreed to.

Mr. Graham, from the Committee on the Judiciary, reported the engrossed bill to authorize Clerks and Masters in Equity in this State, to make title to real and personal property, sold under the decree of a Court of Equity, with

an amendment; the amendment was read and concurred in, and the bill read the second time and passed.

Mr. Graham, from the same Committee, who were instructed to enquire into the expediency of passing a general law upon the subject of legitimating persons and altering names, reported that the subject is fully embraced in one of the Revised Statutes now before the House, and asked to be discharged from the further consideration thereof; the Report was concurred in.

Mr. Graham presented a Resolution in favor of Mary Sloan, which was read first, second and third times, passed, and ordered to be engrossed.

Mr. Moore, from the Committee on the Revised Statutes, reported a bill to provide for the collection and management of a Revenue for this State, which was read the first time and passed.

A message was received from the Senate, informing that Messrs. Spruill and Fox are appointed on their part, superintendants of the election for a Judge of the Superior Courts, to fill the vacancy occasioned by the resignation of Hon. Robert Strange.

Messrs. Granberry and McNeill, were appointed said Committee on behalf of the Commons.

Whereupon, the House proceeded to vote *viva voce*, as follows :

FOR OWEN HOLMES.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Courts,
Crawford,
Critz,
Daniel,
Davis,

MESSRS. Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,

Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
D. Jordan,

Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—62.

FOR JOHN L. BAILEY.

MESSRS. Adams,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fisher,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,

MESSRS. Horton,
Hoskins,
Howard,
Jefferson,
E. Jordan,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,

Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,

Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas—54.

For Mr. B. F. MOORE, Mr Blount.

Mr. McNeill, from the Committee appointed to superintend the said election, reported that Owen Holmes had received a majority of the whole number of votes, and was duly elected.

The Report was concurred in.

Mr. Graham, from the Committee on the Judiciary, reported the bill limiting the time in which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto, without amendment, when the said bill was read the second time and passed.

Mr. Fisher, from the Committee on Internal Improvement, to whom was referred the Report of the President of the Raleigh and Gaston Rail Road Company, returned the same, when said Report was ordered to be sent to the Senate.

Mr. Hawkins, from the Committee on Privileges and Elections, to whom was referred the subject of the contested election of William S. Harris, the member from Cabarus, made a Report, concluding with a Resolution in the following words, viz :

Resolved, That William S. Harris, the member from Cabarus county, is not entitled to a seat in this House.

Mr. Satterthwaite, on behalf of the minority of that Committee, made a counter Report.

On motion of Mr. Fisher,

Ordered, That said Resolution be made the order of the day for Saturday next, and, on motion of Mr. J. W. Guinn,

Ordered, That the Report and counter Report be printed.

A message from the Senate, proposing to postpone the

election of Solicitor of the first Judicial Circuit, until Monday next at 11 o'clock; the proposition was disagreed to.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 16, 1836.

Received a message from the Senate, proposing that the General Assembly adjourn *sine die*, on the 3d day of January next, and asking the concurrence of this House.

Mr. Clement moved that said message lie on the table.

The question thereon was decided in the negative, Yeas 52, Nays 54.

The Yeas and Nays demanded by Mr. Watson.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Brummell, Byrd, Campbell, Chambers, Clayton, Clement, Covington, Cox, Crawford, Eaton, Erwin, Fisher, Fleming, Gee, Gillespie, Gilliam, Grady, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hartley, Hill, Hoke, Holland, Hoskins, Howard, Hutchison, Jefferson, E. Jordan, D. Jordan, W. B. Lane, Maclin, C. H. Matthews, Maultsby, W. J. T. Miller, Moore, McClennahan, McNeill, McRae, Patton, J. H. Perkins, Rinkston, Rand, Roberts, Simpson, Smith, Stockard, Swift, Williamson—52.

Those who voted in the negative, were:

MESSRS. Adams, Boon, Braswell, Caldwell, Calloway, Cansler, Coor, Cotten, Courts, Daniel, Davenport, Davis, Dunn, Farrow, Faison, Gary, L. A. Gwyn, Hawkins, Henry, Hollingsworth, Hooker, Horton, Howerton, Irion, Jarman, Kenan, N. J. King, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, I. Matthews, E. P. Miller, Moye, Neale, Nye, A. Perkins, Petty, Pritchard, Roebuck, Satterthwaite, Sloan, Smallwood, Speller, Spiers, Stallings, Tomlinson, Tuton, Ward, Watson, R. Whitley, K. Whitley—54.

The question being on concurring in the proposition of the Senate, was decided in the negative.

The Resolution heretofore presented by Mr Crawford, was taken up and amended, and adopted in the following words, viz :

Resolved, That this House hold evening Sessions from and after the 17th inst. commencing at 3 o'clock, and to be continued from day to day, at which no proposition shall be entertained, except bills reported by the Committee on the Revised Code.

Those who voted in the affirmative, were :

MESSRS. Adams, Boon, Braswell, Brummell, Byrd, Campbell, Caldwell, Calloway, Cansler, Clayton, Cotten, Courts, Covington, Cox, Crawford, Critz, Daniel, Davenport, Davis, Dunn, Erwin, Faison, Fisher, Farrow, Gary, George, Gillespie, Grady, Graham, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Howerton, Irion, Jarman, E. Jordan, D. Jordan, Kenan, N. J. King, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McNeill, Neale, Nye, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Rand, Roebuck, Satterthwaite, Simpson, Sloan, Smith, Speller, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, Walker, Ward, R. Whitley, K. Whitely—89.

Those who voted in the negative, were :

MESSRS. Averitt, Blount, Chambers, Eaton, Fleming, Gilliam, Guthrie, Hoskins, Howard, Hutchison, Loudermilk, I. Matthews, McRae, A. Perkins, Roberts, Williamson—16.

A message from the Senate, proposing that an election be held on Tuesday next, at 12 o'clock, for a Senator in Congress, from the 3d of March, 1837. The proposition was agreed to.

Mr. Fisher, from the Committee on Internal Improvement, reported the bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company, with amendments. The amendments were concurred in, and the said bill read the second time and passed.

The Speaker laid before the House, a communication from the Public Treasurer, transmitting certain Bank Statements, received at that Department, since the date of his Annual Report.

On motion of Mr. Fisher, the exhibits in question were referred to the Committee on Finance.

Mr. Moore, from the Committee on the Revised Statutes, reported the following bills, viz : A bill to regulate Descents ; and a bill concerning the appointment and duties of a Patrol in each county. These bills were read the first time and passed.

Mr. J. W. Guinn, from the same Committee, reported the following bills, viz :

A bill to establish a fund for Internal Improvement, and to create a Board for the management thereof ; a bill concerning the repeal of Statutes ; a bill concerning in-

corporated Towns; a bill to enable women, in certain cases, to maintain actions of Slander; and a bill for regulating Ordinaries. These bills were read the first time and passed.

Mr. J. W. Guinn, from the same Committee, reported the following bills, viz: A bill concerning the Supreme Court; and a bill concerning Charities. These bills were read the first time and passed.

Mr. D. Jordan presented a Memorial of the Directors of the Cape Fear, Yadkin, and Pedee Rail Road Company, praying aid of the Legislature in the completion of their work.

The Memorial was read, and, on motion of Mr. Jordan, referred to the Committee on Internal Improvement.

Mr. Hill introduced a Memorial of the President, Directors, and Company of the Bank of Cape Fear, praying an increase of their Capital Stock; which was read, and, on Mr. Hill's motion, referred to the Committee on Finance.

Mr. Gilliam introduced the following Resolution, viz:

Whereas, by the 4th Section of the 4th Article to the amendments to the Constitution of this State, "No person who shall hold any office or place of trust or profit, under the United States, or any Department thereof, or under this State, or any other State or Government, shall hold or exercise any other office, or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly."

And whereas, John A. Averitt, the Representative chosen by the county of Onslow, to a seat in this House of Commons, held the office of Post Master at Richlands, in said county of Onslow, before and at the time of his election, contrary to the provisions of the Constitution. Therefore,

Resolved, That the said John A. Averitt is not eligible to a seat in this House; and that the seat of said John A. Averitt be, and the same is hereby vacated.

The foregoing Resolution was read, and, on motion of Mr. Gilliam, referred to the Committee on Privileges and Elections.

Mr. Rayner presented the following Resolution, viz :

Whereas, by the 4th Section of the 4th Article of the amendments to the Constitution of the State of North Carolina, it is provided that, "No person who shall hold any office or place of trust or profit, under the United States, or any Department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly."

And whereas, James Calloway, one of the Representatives chosen in Surry county to a seat in this House of Commons, held the office of Entry Taker for said county, at the time of his election, and held the said office at the time he took his seat in this House. Therefore,

Resolved, That the said James Calloway is ineligible to a seat in this House ; and that his seat therein be, and the same is hereby vacated.

The said Resolution was read, and, on Mr. Rayner's motion, referred to the Committee on Privileges and Elections.

Mr. Rayner presented also the following Resolution, viz :

Whereas, by the 4th Section of the 4th Article of the amendments of the Constitution of this State, it is provided, that "No person who shall hold any office or place of trust or profit, under the United States, or any Department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly.

And whereas, Dillon Jordan, one of the Representatives chosen for Cumberland county to a seat in this House of Commons, did, at the time of his election, hold the office of County Solicitor or Attorney for said county ; and

did also hold, at the time of his election, the office of Notary Public ; which said offices he also held at the time of his taking a seat in this House. Therefore,

Resolved, That the said Dillon Jordan is not eligible to a seat in this House ; and that his seat be, and the same is hereby vacated.

The said Resolution was read, and, on motion of Mr. Guthrie, referred to the Committee on Privileges and Elections.

On motion of Mr. A. Perkins,

Ordered, That a message be sent to the Senate, proposing that an election be held, at 12 o'clock to-morrow, for a Solicitor for the first Judicial Circuit.

Mr. Hoskins presented a Petition from the County Court of Chowan, in relation to increasing Registers' fees ; which was read, and, on motion of Mr. Hoskins, referred to the Committee on the Judiciary.

Mr. Adams introduced a bill, giving to the County Courts, authority to abolish the offices of County Trustee and Treasurer, or Commissioner of Public Buildings ; which was read the first time and passed, and, on motion of Mr. Moore, referred to the Committee on the Judiciary.

Mr. Hollingsworth introduced a bill to regulate the manner of receiving lists of taxable property ; which was read the first time and passed.

Mr. Fisher, from the Committee on Internal Improvement, reported the bill to incorporate the Rock Fish Manufacturing Company of Fayetteville, with an amendment. The said bill was read the second time, amended, and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act for the more uniform and convenient administration of justice within this State, passed in the year 1806 ; and asking the concurrence of the House therein. The said bill was read the first time and passed.

The Speaker laid before the House a communication from his Excellency, the Governor, transmitting state-

ments in regard to the Dockets in several of the Courts of the sixth Judicial Circuit.

The communication was read, and, on motion of Mr. Hoke, referred to a select Committee.—Said Committee consists of Messrs. Hoke, Byrd, and Courts.

The Revised bill concerning Pilots and Commissioners of Navigation, was read the third time, passed, and ordered to be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 17, 1836.

Mr. Gary introduced a bill to incorporate the Roanoke Valley Rail Road Company ; which was read the first time and passed, and, on motion of Mr. Gary, referred to the Committee on Internal Improvement.

Mr. D. Jordan presented the following Resolutions, viz:

Whereas, it is necessary to the preservation of Constitutional liberty, that the fundamental charter of our rights should be kept inviolate: *And whereas*, the people in their wisdom have ordained that each member of the House of Commons shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, or for the term of his own life; and further, that no person who shall hold any office or place of trust or profit under the United States, or any Department thereof, or under this State, or any other Government, shall hold or exercise any other office or place of trust or profit under the authority of the State, or be eligible to a seat in either House of the General Assembly: *And whereas*, from the frequent violation of the above provision of the Constitution, it may be presumed that a misinterpretation hath been put on the same, or that the attention of the people has not been sufficiently turned to their proper construction: Therefore, be it

Resolved, as the opinion of the House of Commons, that if any person shall be elected to a seat in the House of Commons of this State, who shall not have resided in the county in which he is chosen, for one year immediately preceding his election, and for six months shall have possessed, and continue to possess, in the county which he represents, not less than one hundred acres of land in fee, for the term of his own life, he is not entitled to a seat in the House of Commons.

Resolved further, That the term "eligible," as used in the 4th section of the 4th article of the Amendments to the Constitution, has reference to the day of election; and that if, on that day, any candidate for the House of Commons shall hold any office or place of trust or profit under the United States, or any Department thereof, or under this State, or under any other State or Government, he is constitutionally disqualified to be voted for, and if he should be elected, such election is null and void.

Resolved further, That the office of Postmaster and Deputy Postmaster, the offices of District Solicitor, Sheriff, Coroner, Constable, County Surveyor, and Trustee of the University of North-Carolina, are offices or places of trust or profit, under the United States, and under this State; and that they, together with all other offices or places of profit or trust, held under the United States, or any of the Departments thereof, or under this State, or any other State or Government, which confer a public trust, or for which salaries are fixed by law, and paid out of the Treasury of the State, or are offices known to the Constitution, are within the clear meaning of the 4th section of the 4th Article of the Amendments of the Constitution, unless expressly excepted from its operation.

The said Resolutions were read, and, on motion of Mr. Hutchison, ordered to be printed, and ordered, on Mr. Fisher's motion, to lie on the table.

Mr. Hutchison presented the Pension Certificate from the County Court of Mecklenburg, in favor of Martha Thompson; which was read and ordered to be countersigned by the Speaker of the Commons.

Mr. Braswell gave notice that he should on to-morrow move the adoption of the following Resolution, viz:

Resolved, That before any bill is read in the House, the member presenting the same shall state whether it be a public or private bill; if it be a private bill, the notice shall be proven to the House before the bill is read.

Mr. Guthrie introduced a Resolution in favor of Thomas Dickins; which was read the first time, and passed, and, on motion of Mr. Guthrie, referred to the Committee on Claims.

A message from the Senate, informing that Messrs. Kerr and Moye constitute for the present week their branch of the Committee on enrolled bills.

A message from the Senate, informing that they recede from their amendments to the engrossed bill to amend an act, entitled an act to establish a Department for adjusting the Public Accounts of this State, and for appointing a Comptroller.

A message from the Senate, informing that they had passed the engrossed bill making compensation to the Jurors of Ashe county, with an amendment, and asking the concurrence of this House.

The amendment was read and agreed to.

A message from the Senate, informing that they had passed the engrossed bill increasing the liabilities of Sheriffs, with an amendment, and asking the concurrence of this House.

The amendment was read and not agreed to.

A message from the Senate, informing that they had passed the engrossed bills, viz:

A bill to incorporate the Salem Manufacturing Company; a bill empowering Courts of Record to change names; and a bill fixing the time for perfecting titles to lands heretofore entered and paid for—and asking the concurrence of this House.

The said bills were read the first time and passed; and the last named bill, on motion of Mr. J. W. Guinn, was referred to the Committee on the Judiciary.

The resignations of Joseph Physioc, of Craven, and of William Pearce, of Stokes, Justices of the Peace, received from the Senate, were read and accepted.

The resignations of Owen B. Cox, as Colonel Commandant of the Regiment of Jones county Militia, and

of Thomas Battle, as Colonel Commandant of the Regiment of Ouslow, were presented, read and accepted.

The House proceeded to the special Orders of the day, and took up for consideration the Resolution reported by the Committee on Privileges and Elections, in relation to the contested election of William S. Harris.

On motion of Mr. McNeill, the House resolved itself into a Committee of the Whole, Mr. Gales in the Chair—and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said Resolution with an amendment, viz: To strike out the whole thereof after the word “Resolved,” and insert the following, viz:

“That the people of this State are not restricted in the choice of their Representatives in this House, by any qualifications other than those expressed in the Constitution.

Resolved further, That Wm. S. Harris, the member returned from Cabarrus, is entitled to his seat in this House, although under the age of twenty-one years when elected, he being twenty-one when he took his seat.”

A division of the question being called for, the question was first taken on striking out the words of the Resolution as reported by the Committee on Privileges and Elections, and decided in the affirmative—Yeas 77, Nays 33.

The Yeas and Nays demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Bedford, Boon, Brummell, Campbell, Calloway, Cansler, Clayton, Clement, Cotten, Courts, Covington, Cox, Crawford, Daniel, Davenport, Eaton, Erwin, Faison, Farrow, Fisher, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Horton, Hoskins, Howard, Irion, Jarman, Jefferson, E. Jordan, Kenan, J. A. King, Kenyan, W. B. Lane, Lindsay, Loudermilk, Marshall, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Rayner, Satterthwaite, Smallwood, Stockard, Swift, Thomas, Tuton, Ward, Williamson—77.

Those who voted in the negative, are:

MESSRS. Blount, Braswell, Byrd, Caldwell, Chambers, Coor, Critz, Davis, Dunn, George, L. A. Gwyn, Hawkins, Hollingsworth, Hooker, Hutchison, D. Jordan, Judkins, I. W. Lane, W. A. Lea, J. F. Lee, A. Perkins, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Speller, Stallings, Walker, Watson, R. Whitley, K. Whitley—33.

The question then being on inserting the amendment as reported by the Committee of the whole, was determined in the affirmative, Yeas 77, Nays 52.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Bedford, Boon, Brummell, Campbell, Calloway, Cansler, Clayton, Clement, Cotten, Courts, Covington, Cox, Crawford, Daniel, Davenport, Eaton, Erwin, Faison, Farrow, Fisher, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Horton, Hoskins, Howard, Irion, Jarman, Jefferson, E. Jordan, Kenan, J. A. King, Kenyan, W. B. Lane, Lindsay, Loudermilk, Marshall, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAlister, McNeill, McRae, Neal, Nye, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Rayner, Satterthwaite, Smallwood, Stockard, Swift, Thomas, Tuton, Ward, Williamson—77.

Those who voted in the negative, were :

MESSRS. Blount, Braswell, Byrd, Caldwell, Chambers, Coor, Critz, Davis, Dunn, George, L. A. Gwyn, Hawkins, Hollingsworth, Hooker, Hutchison, D. Jordan, Judkins, I. W. Lane, W. A. Lea, J. F. Lee, A. Perkins, Roebuck, Roberts, Simpson, Sloan, Smith, Speller, Stallings, Walker, Watson, R. Whitley, K. Whitley—33.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 19, 1836.

Received a message from the Senate, informing that Messrs. McCormick and Burney, compose on their part the joint Select Committee on enrolled bills.

Ordered, That Messrs. Braswell, Brummell, Byrd and Kenan, compose said Committee on the part of the Commons, for the present week.

A message from the Senate, proposing to go into an election for Solicitor for the first Judicial Circuit this day at 1 o'clock ; the proposition was agreed to.

A message from the Senate, informing that they had passed the Revised bill concerning the mode of choosing Senators and Representatives in the Congress of the United States, with sundry amendments, and asking the concurrence of this House.

The Amendments were read and concurred in, except the amendment proposed in the 1st section, which was not agreed to, and, on motion of Mr. Graham,

Ordered, That a conference with the Senate be asked on said disagreement.

A message from the Senate, informing that they had passed the Revised bill providing for the support of the Poor, with amendments, and asking the concurrence of this House; the amendments were read and disagreed to.

A message from the Senate, informing that they had passed the engrossed bill concerning Wrecks and wrecked property, with two amendments; the first named was agreed to, and the second disagreed to.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the General Mining and Manufacturing Association, with an amendment, and asking the concurrence of this House.

The amendment was read and agreed to.

A message from the Senate, informing that they had passed the the Revised bill concerning Pilots and Commissioners of Navigation, with an amendment, and asking the concurrence of this House.

The amendment was read and disagreed to.

The Resolution offered by Mr. Braswell on the 17th inst. in relation to Private Bills, was now taken up and considered, and the question shall the said Resolution be adopted, was determined in the negative.

The Speaker laid before the House a communication from James J. Treadwell, of New York, proposing on behalf of certain Banks of that City, to take that portion of the Surplus Revenue allotted to this State, upon certain terms therein specified.

The communication was read, and, on motion of Mr. Courts, referred to the Committee raised on the appropriation of the Surplus Revenue.

Mr. Kenan presented a petition from the Heirs at Law of Andrew M'Intyre, praying that a Military Land Warrant be issued to them for the Revolutionary services of

their said ancestor, which was read, and, on motion of Mr. Kenan, referred to the Committee on Claims.

Mr. Hoskins introduced the following Resolution, which was read and adopted, viz :

In as much as there is no reasonable probability that the wants of the Public Treasury will ever become sufficient to justify a demand on the States for a re-payment of their several portions of the Surplus Revenue ; Therefore

Resolved, That the joint Select Committee on that subject, be directed to enquire into the propriety of devising some plan, by which the portion of this State shall be set apart as a permanent fund, for the support of Common Schools, and that they report by bill or otherwise.

Resolved, on motion of Mr. Walker, that the Committee on the Judiciary, be instructed to enquire into the expediency of vesting in the County Courts, the power or right of having County dividing Lines run out and distinctly marked, and that they report by bill or otherwise.

Mr. D. Jordan introduced a bill to incorporate the Mutual Insurance Company of Fayetteville, which was read the first time and passed.

Mr. Fisher, from the Committee on Internal Improvement, to whom was referred the petition of Joseph Welsh, reported a Resolution in favor of said Welsh, which was read the first time and passed.

Mr. Graham, from the Committee on the Revised Code, reported a bill for the more effectual suppression of Vice and Immorality, which was read the first time and passed.

Mr. Moore, from the same Committee, reported a bill concerning the University of North Carolina, which was read the first time and passed.

Mr. Graham, from the Committee on the Judiciary, to whom the subject had been referred, reported a bill for the relief of John Timson, a native Cherokee Indian and his family, with an amendment.

The said bill as amended, was read the second time and passed.

A message from the Senate, informing that on the return of their messenger, the Senate will proceed to vote for

a Judge of the Superior Courts, to supply the vacancy occasioned by the resignation of Hon. William Norwood, and informing that Messrs. Marsteller and Hargrave, are appointed a Committee on their part, to superintend said election.

On motion of Mr. Watson,

Ordered, That the Senate be informed that the name of John R. J. Daniel, of Halifax, is added to the nomination.

Messrs. Graham and Cansler, were appointed a Committee to superintend said election.

And the House thereupon, proceeded to vote as follows, viz :

FOR FREDERICK NASH.

MESSRS. Averitt,

Bedford,
Boon,
Brummell,
Campbell,
Calloway,
Clayton,
Clement,
Courts,
Covington,
Cox,
Crawford,
Critz,
Davenport,
Eaton,
Erwin,
Farrow,
Faison,
Fisher,
Gales,
Gary,
Gee,
George,
Gillespie,
Gilliam,
Grady,
Graham,

MESSRS. Howard,

Jefferson,
E. Jordan,
D. Jordan,
Kenan,
J. A. King,
N. J. King,
Kenyan,
W. B. Lane,
Lindsay,
Londermilk,
I. Matthews,
C. H. Matthews,
Manltsby,
E. P. Miller,
W. J. T. Miller, }
Moore,
McAllister,
McNeill,
McRae,
McClennahan,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rand,

Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Haywood,
Hill,
Hoke,
Holland,
Horton,
Hoskins,

Rayner,
Roberts,
Satterthwaite,
Simpson,
Smallwood,
Stockard,
Swift,
Thomas,
Williamson—73.

Those who voted

FOR J. R. J. DANIEL, were :

MESSRS. Braswell,

Byrd,
Caldwell,
Causler,
Coor,
Cotten,
Daniel,
Davis,
Dunn,
L. A. Gwyn,
Hartley,
Hooker,
Howerton,
Jarman,
I. W. Lane,

MESSRS. W. A. Lea,

J. F. Lee,
Marshall,
Moye,
Roebuck,
Sloan,
Speller,
Spiers,
Stallings,
Tomlinson,
Tuton,
Walker,
Watson,
R. Whitley,
K. Whitley—30.

For W. A. Graham, Messrs. Blount, Chambers and Henry.

For D. F. Caldwell, Messrs. Hutchison, Nye and Ward.

For J. M. D. Carson, Mr. J. W. Guinn.

For James T. Morehead, Mr. Irion.

For Edward Hall, Mr. Hawkins.

For Charles Fisher, Mr. Hollingsworth.

For David L. Swain, Mr. Smith.

For Mr. Hoke, Mr. Neale.

For R. Heath, Mr. A. Perkins.

For J. F. Poindexter, Mr. Adams.

Mr. Cansler, from the Committee raised on this subject, reported that Frederick Nash had received a majority of the whole number of votes of both branches, and that he was duly elected. The report was concurred in.

A message from the Senate, proposing that the two Houses adjourn *sine die* on the 5th day of January next.

Mr. Graham moved that said message lie on the table. The question thereon was decided in the negative—Yeas 52, Nays 55.

The Yeas and Nays demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were :

Messrs. Bedford, Boon, Brummell, Campbell, Chambers, Clement, Covington, Cox, Crawford, Critz, Eaton, Erwin, Faison, Fisher, Gales, Gee, George, Gillespie, Gilliam, Grady, Graham, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Hoskins, Howard, Hutchison, Jefferson, E. Jordan, W. B. Lane, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, Moore, McAllister, McNeill, McRae, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Simpson, Smith, Stockard, Thomas, Williamson—52.

Those who voted in the negative, were :

Messrs. Adams, Averitt, Braswell, Byrd, Caldwell, Calloway, Cansler, Clayton, Coor, Cotten, Courts, Daniel, Davenport, Davis, Dunn, Farrow, Gary, L. A. Gwyn, Hartley, Hawkins, Henry, Holland, Hollingsworth, Hooker, Horton, Howerton, Irion, Jarman, D. Jordan, Kenan, N. J. King, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, W. J. T. Miller, Moye, Neale, Nye, A. Perkins, Petty, Roberts, Satterthwaite, Sibon, Smallwood, Speller, Spiers, Stallings, Tuton, Ward, Watson, R. Whitley, K. Whitley—55.

Mr. Fisher moved that said message be postponed till the fifth day of January next.

The question thereon, was decided in the affirmative—Yeas 72, Nays 43. The Ayes and Noes demanded by Mr. Braswell.

Those who voted in the affirmative, were :

Messrs. Adams, Bedford, Blount, Boon, Brummell, Byrd, Campbell, Calloway, Chambers, Clement, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Fisher, Gales, Gary, Gee, George, Gillispie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoskins, Howard, Hewerton, Hutchison, Irion, Jefferson, E. Jordan, D. Jordan, J. A. King, Kenyan, W. B. Lane, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Roberts, Satterthwaite, Simpson, Smith, Stallings, Stockard, Swift, Thomas, Tomlinson, Williamson—72.

Those who voted in the negative, were :

MESSRS. Averitt, Braswell, Caldwell, Cansler, Clayton, Coor, Cotten, Courts, Daniel, Davis, Dunn, Farrow, L. A. Guinn, Hartley, Hawkins, Henry, Holland, Hollingsworth, Hooker, Horton, Jarman, Kenan, N. J. King, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marsteller, Moye, Neale, A. Perkins, Petty, Roebuck, Sloan, Smallwood, Speller, Spiers, Tuton, Walker, Ward, Watson, R. Whitley, K. Whitley—43.

A message from the Senate, informing that they are now ready to proceed to the election of a Solicitor for the first Judicial District ; and informing that Messrs. Taylor and Hall compose their branch of the Committee, to superintend said vote.

On motion of Mr. Fisher, the name of John S. Guthrie was withdrawn from the nomination, and the Senate so informed.

Messrs. Stallings and Rayner were appointed a Committee to superintend the election ; and the House, thereupon, proceeded to vote as follows, viz :

FOR DAVID OUTLAW :

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fisher,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,

MESSRS. Howard,
Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,

Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Clayton—57.

FOR THOMAS BRAGG :

MESSRS. Averitt,
Blount,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Courts,
Critz,
Daniel,
Davis,
Dunn,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
D. Jordan,

MESSRS. Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard.
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—60:

Mr. Rayner, from the Committee appointed to superintend this election, reported that David Outlaw had re-

ceived a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill limiting the time in which certain offences shall be prosecuted, and prescribing the duties of Grand Jurors relative thereto, was read the third time, and the question, shall the said bill pass the third reading, was decided in the negative—Yeas 48, Nays 56.

The Ayes and Noes demanded by M. Campbell.

Those who voted in the affirmative, were :

MESSRS. Adams, Blount, Boon, Braswell, Byrd, Campbell, Chambers, Clement, Cotten, Courts, Covington, Cox, Crawford, Critz, Davis, Fisher, Gary, Guthrie, L. A. Guinn, W. S. Harris, W. Harris, Hartley, Hawkins, Hollingworth, Horton, Judkins, Kenan, N. J. King, W. B. Lane, W. A. Lea, J. F. Lee, Loudermilk, Maulsby, Moye, McAlister, Nye, Petty, Pinkston, Pritchard, Rand, Satterthwaite, Smallwood, Smith, Stockard, Tuton, Watson, R. Whitley, K. Whitley—48.

Those who voted in the negative, were:

MESSRS. Averitt, Bedford, Brummell, Caldwell, Calloway, Cansler, Clayton, Davenport, Dunn, Eaton, Erwin, Faison, Farrow, Gee, Gillespie, Gilliam, Graham, Granberry, J. W. Guinn, Henry, Hill, Hoke, Holland, Hoskins, Howerton, Hutchison, Irion, Jefferson, E. Jordan, D. Jordan, J. A. King, Kenyan, I. W. Lane, Lindsay, Marshall, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McNeill, McRae, Neale, Patton, J. H. Perkins, A. Perkins, Rayner, Roebuck, Roberts, Simpson, Speller, Stallings, Swift, Thomas, Tomlinson, Ward—56.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The Revised bill concerning Hunting; the bill providing for the appointment of Notaries; the bill concerning Coroners; the bill concerning the draining of Lands; the bill restraining the taking of excessive Usury; the bill concerning Overseers; the bill for the relief of such persons as have been disabled by wounds or rendered incapable of procuring for themselves and families subsistence in the Militia service of this State, and providing for the widows and orphans of such as have died; and the bill con-

cerning the Currency of this State—were severally read the third time, passed, and ordered to be sent to the Senate.

The Revised bill concerning the action of Replevin, was read, and, on motion of Mr. Gilliam, postponed until to-morrow.

The Revised bill concerning Corporations; the bill providing for the appointment of Electors to vote for a President and Vice President of the United States; and the bill concerning Idiots and Lunatics—were each read the second time and passed.

Mr. Gales, from the Committee on the Revised Code, reported a bill concerning Courts of Equity; which was read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 20, 1836.

The bill to change the site of the Court House and Jail of the county of Hyde, and for other purposes, was called up by Mr. Farrow, and, on his motion, re-committed to the Select Committee that reported it; to which Committee were also referred, on Mr. Farrow's motion, certain petitions and papers relating thereto, which had been recently received.

On motion of Mr. Moore,

Resolved, That the Clerk of this House procure a full copy of all the Acts of the General Assembly of the State, for the use of the House, and that they be deposited on the Speaker's table and under his care, which shall be for the use of the House of Commons, during their sittings, and shall not be taken by any member from the table of the Speaker or Clerks of this House.

A message from the Senate concurring in the proposition of this House, to go into an election of Comptroller, this day, at 11 o'clock.

Ordered, That the Senate be informed that this House is now ready to proceed in said election, and that Messrs.

Hutchison and Adams are appointed to superintend said election on the part of the Commons, and that the name of Ralph McNair is added to the nomination.

A message from the Senate, informing that they are also ready to go into said election, and that Messrs. Williams and Reid are appointed on their part, a Committee of Superintendence.

Whereupon, the House proceeded to vote as follows :

FOR WILLIAM F. COLLINS.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Cotten,
Covington,
Cox,
Crawford,
Daniel,
Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fisher,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,

MESSRS. Hooker,
Horton,
Hoskins,
Howard,
Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Blount—62.

FOR RALPH McNAIR.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Courts,
Critz,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Howerton,
Jarman,
D. Jordan,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,

MESSRS. J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley,
Irion,
Hutchison—55.

For L. H. Marsteller, Mr. Hawkins.

For J. H. Hawkins, Mr. Judkins.

Mr. Adams, from the Committee raised on this subject, reported that William F. Collins had received a majority of the whole number of votes, and was duly elected Comptroller of Public Accounts, for the term of two years, from and after the first day of January next.

The Report was concurred in.

Mr. Moore, from the Committee on the Revised Statutes, reported the following bills, viz :

A bill concerning Legacies, Filial Portions, and Distributive Shares of Intestates' Estates; a bill concerning Cattle, Horses and Hogs; and a bill for the relief of sick and disabled American Seamen.

These bills were read the first time and passed.

Received from the Senate the Report of the Joint Select Committee on Finance, on the state of the Treasury, which was read.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Norfolk and Edenton Rail Road Company, with sundry amendments, and asking the concurrence of this House.

The amendments were read and concurred in.

A message from the Senate, proposing that the two Houses do, on to-morrow, at 12 o'clock, go into an election for a Public Treasurer.

The proposition was agreed to.

Mr. Fisher presented a bill to incorporate the Rowan Manufacturing Company; which was read the first time and passed.

Mr. Graham, from the Committee on the Revised Code, reported the following bills, viz:

A bill prescribing the mode of recovering against certain Officers therein mentioned, and their Securities, and a bill concerning Apprentices.

These bills were read the first time and passed.

Mr. Hoskins introduced a bill to amend an act passed in the year 1762, entitled an act for the better care of Orphans, and security and management of their estates; which was read the first time and passed, and referred to the Committee on the Judiciary.

A message from the Senate, informing that they will proceed, on the return of the messenger, to vote for a Senator in the Congress of the United States, for six years from the 3d of March next, according to the agreement of the two Houses, and that Messrs. Joyner and Edwards are appointed on their part, superintendants of said election.

Ordered, That the Senate be informed that this House is also ready to go into said election, and that Messrs. Hoke and Erwin are appointed superintendants on behalf of the Commons.

Whereupon, the House proceeded to vote as follows, viz :

FOR ROBERT STRANGE.

MESSRS. Averitt,
Blount,
Boon,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Courts,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
D. Jordan,

MESSRS. Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Walker,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—63.

FOR JOHN OWEN.

MESSRS. Adams,
Bedford,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,
Faison,
Farrow,
Fisher,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,

MESSRS. Hoskins,
Howard,
Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maulsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas—56.

For Andrew Joyner, Mr. Eaton.

Mr. Hoke, from the Committee of superintendence, reported that Robert Strange had received a majority of the whole number of votes, and was duly elected.

The Report was concurred in.

The bill for the relief of John Timson, a native Cherokee Indian and his family; the bill to amend the Charter of the Cape Fear, Yadkin and Pedee Rail Road Company; and the Resolution in favor of Daniel Bryson, were severally read the third time, passed, and ordered to be engrossed.

The engrossed bill empowering Courts of Record to change names, was read the second time and passed.

The engrossed bill to amend an act, for the more uniform and convenient administration of Justice in this State, passed in the year 1806, was, on motion of Mr. Hoke, made the order of the day for to-morrow.

The engrossed bill relative to the appointment of Comptroller, was read, and, on motion of Mr. J. W. Guinn, postponed indefinitely.

The engrossed bill to authorize Clerks and Masters in Equity in this State, to make title to real and personal property, sold under the decree of a Court of Equity, was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment heretofore made to said bill.

The resignation of William Gilbreath, as Lieutenant Colonel of Cavalry in the 8th Brigade; of Allen Peeples, as Colonel Commandant of Cavalry, attached to the same Brigade; and of William Denny, as Major, received from the Senate, were read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The Revised Bill concerning Idiots and Lunatics; the bill providing for the appointment of Electors to vote for a President & Vice President of the United States; & the bill concerning Corporations, were severally read the third time, passed, and ordered to be transmitted to the Senate.

The Revised bill concerning Iron and Gold Mines; the bill concerning Fences; the bill concerning Weights and Measures; the bill prescribing a mode by which partition of real and personal Estate may be made among Tenants in common, and in what cases such Estates may be sold for a division, were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 21, 1836.

A message from the Senate, agreeing to the proposition of this House, for a Conference on the disagreeing votes of the two Houses on the Revised bill concerning election of Members of Congress, and proposing that said Committee of Conference, consist of two members on the part of each House.

A message from the Senate, proposing a Conference on the disagreeing vote of the two Houses, on the Revised bill concerning Pilots; and that said Committee consist of two members on the part of each House. The proposition was agreed to.

A message from the Senate, informing that they recede from their amendment marked B. in the Revised bill concerning Wrecks; and also their amendments to the Revised bill concerning the Poor.

On motion of Mr. Boon,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five, from each House, whose duty it shall be, to enquire into the expediency of erecting a Penitentiary in this State; and that they report by bill or otherwise.

Mr. Hill, from the Committee on Finance, to whom was referred the Report of the Commissioner appointed by the Governor, under an act of the last session, entitled an act to provide for the payment of the Instalments on the Shares reserved to the State in the Capital Stock of the Bank of the State of North Carolina, reported that said Commission had been executed, in conformity with the above named act, and with due regard to the best interests of the State. The Report was concurred in.

Mr. Hill, from the same Committee, to whom was referred the exhibits, by the several Banks of this State, of their condition, reported that said statements were in conformity with the laws on that subject.

The report was concurred in, and, on Mr. Hill's motion, the said exhibits were ordered to be printed.

A message from the Senate, proposing that the order of the two Houses, to vote for a Public Treasurer this day,

be rescinded; and that said election be held on Monday next, at 12 o'clock. The proposition was concurred in.

Mr. Graham, from the Committee on the Revised Code, reported the following bills, viz: A bill declaring what parts of the Common Law shall be in force in this State; a bill concerning the burning of Woods; and a bill concerning Offices. These bills were read the first time and passed.

Mr. Graham, from the same Committee, reported the bill to empower the several County Courts to establish Fairs in their respective counties, and a bill appointing Commissioners to take Affidavits; which were read the first time and passed.

Mr. Moore, from the same Committee, reported the following bills, viz: A bill concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation; a bill concerning Mills and Millers; and a bill concerning the Governor and Council of State. These bills were read the first time and passed.

Messrs. Hartley and Granberry were appointed the Committee of Conference on the part of this House, on the disagreeing votes of the Houses, on the Revised bill concerning Pilots; and Messrs. Hutchison and Graham, a Committee of Conference on the Revised bill concerning elections of Members of Congress.

Mr. Graham, from the Committee on the Judiciary, to whom was referred the engrossed bill to give to Lessors of land, a lien upon the crops of their Lessees, for the payment of the rent, reported unfavorably thereon; when said bill was postponed indefinitely.

Mr. W. B. Lane introduced the following Resolution, viz:

Whereas, the 4th Section of the 4th Article of the amended Constitution, provides, that "No person who shall hold any office or place of trust or profit, under the United States, or any Department thereof, or under this State, or any other State or Government, shall hold or exercise any other office, or place of trust or profit, un-

der the authority of this State, or be eligible to a seat in either House of the General Assembly."

And whereas, great diversity of opinion exists with regard to the true meaning and intent of the foregoing Section. Be it therefore,

Resolved, That the Judges of the Supreme Court be requested to take said Section into consideration, and give their opinions, in writing, to the next General Assembly.

Resolved, That all further proceedings against members of this House, whose seats have been contested, in consequence of the foregoing Section, be suspended during the present Session of the General Assembly.

Said Resolutions were read, and, on motion of Mr. Moore, laid on the table.

Mr. C. H. Matthews presented the following Resolution, which was read and adopted, viz :

Whereas, by the road laws now in operation in this State, all public roads are required to be twenty feet wide in the clear, and sixteen feet in the centre, clear of stumps and runners : *And whereas*, in the Mountainous parts of this State, many of the roads pass over ground where it is impracticable to make them of that width ; and it is also impracticable to put them in that condition, now required by law ;

Resolved, therefore, that the Judiciary Committee be instructed to enquire into the expediency of passing some law to remedy the inconvenience aforesaid ; and that they report by bill or otherwise.

On motion of Mr. Fisher,

Resolved, That the Committee on the Surplus Revenue, be instructed to enquire into the expediency of investing a portion of the same in the Stocks of the following Rail Road Companies, viz : The Fayetteville and Western ; the Raleigh and Gaston ; and the Wilmington and Halifax Rail Road Companies ; and that they report by bill or otherwise.

On motion of Mr. Satterthwaite,

Resolved, That the Committee on the Surplus Revenue, be instructed to enquire into the expediency of establishing a Bank with the same ; and that they report by bill or otherwise.

On motion of Mr. Fisher,

Resolved, That the Committee on Education be instructed to enquire into the expediency of directing the Commissioners of the Literary Fund, to appropriate a portion of that fund to draining Mattamuskeet Lake, in Hyde county ; and that they have leave to report by bill or otherwise.

On motion of Mr. Gales,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 12 o'clock to-morrow, proceed to an election of Councillors of State : and informing that the following names are put in nomination, viz : Johnston Busbee, Alfred Webb, Charles E. Johnston, Joseph T. Rhodes, Willie Perry, Alfred Jones, William A. Blount, Abram McRee, Allen Goodwin, and Edmund Jones, Samuel McCombs, George Williamson, Daniel Turner, Allen Rogers, Senr. William S. Ashe, John Haywood, and Archibald McDiarmid.

Received from his Excellency the Governor, a communication transmitting the resignations of sundry Field Officers and Justices of the Peace.

Ordered, on motion of Mr. Fisher, that the same be transmitted to the Senate.

Received from the Senate, the Pension Certificate of the County Court of Cumberland, in favor of Martha Spears, which was, on motion of Mr. D. Jordan, ordered to be countersigned by the Speaker of the Commons, and returned to the Senate.

A message from the Senate, proposing that the two Houses meet on Friday evening next, for the purpose of nominating Justices of the Peace.

The proposition was disagreed to, and, on motion of Mr. Fisher,

Ordered, That the Senate be invited to hold said meeting at 3 o'clock P. M. on Friday the 30th inst.

Mr. Graham, from the Committee on the Judiciary, reported the engrossed bill fixing the time for perfecting titles to lands heretofore entered and paid for, with an amendment.

The amendment was concurred in, and the bill read the second time and passed.

The bill to amend an act passed in 1838, entitled an act, to erect a new county by the name of Yancey, was read, and, on motion of Mr. Byrd, indefinitely postponed.

The Speaker laid before the House, a Memorial from Joseph Holding, praying aid of the Legislature in the publication of a Book for the use of Common Schools, which was read, and, on motion of Mr. Gales, ordered to lie on the table.

Mr. J. W. Guinn, presented a bill to amend an act, entitled an act to incorporate the Franklin Turnpike Company, and for other purposes, passed in the year 1835; which was read the first time and passed.

A message from the Senate, proposing to raise a joint Select Committee of two on the part of each House, to enquire and report at what time the two Houses shall be adjourned *sine die*.

Ordered, That said message lie on the table.

The bill to incorporate the Rock Fish Manufacturing Company of Fayetteville, was read the the third time, passed, and ordered to be engrossed.

The resignations of John Weeks, as a Justice of the Peace of the county of Mecklenburg, and of Solomon Reid, as Colonel Commandant of 69th Regiment of Militia, were presented, read, and accepted.

A message from the Senate, proposing that the Report of the Committee on Finance, accompanying said message, be printed.

The proposition was agreed to, and, on motion of Mr. Hill,

Resolved, That a message be sent to the Senate, proposing that a joint Select Committee of two on the part of each House; be raised, to whom shall be referred the subject matter of said Report, and the Revenue Laws of the State, and that said Committee Report by bill or otherwise.

The engrossed bill to amend an act, for the more uniform and convenient administration of Justice within this State, passed in the year 1806, was read the second time,

amended, and passed; and, on motion of Mr. Hutchison, made the order of the day for Friday next.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The bill to provide for the collection and management of a Revenue for this State; and the bill concerning Strays, were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 22, 1836.

Mr. Smallwood, from the Joint Select Committee, to whom the matter had been re-committed, reported the bill to change the site of the Court House and Jail in the county of Hyde, without amendment, when said bill was read the second time and passed.

On motion of Mr. Farrow, the said bill was again read the third time, passed, and ordered to be engrossed.

Mr. Hawkins, from the Committee on Privileges and Elections, to whom the Resolution vacating the seat of William H. Harris, the member from the county of Montgomery, was referred, reported the same without amendment. The said Resolution was thereupon, on motion of Mr. Hawkins, ordered to lie on the table.

Mr. Graham, from the Committee on the Revised Code, reported the bill prescribing the salaries and fees of the several Officers of this State, which was read the first time and passed.

Mr. Faison presented a bill to alter the time of holding Elections in the counties of Halifax, Northampton and Martin.

Mr. McRae, a bill concerning the Superior Courts of Law and Equity in and for the counties of Moore, Montgomery and Anson; and

Mr. Gillespie, a bill to incorporate the Colly Swamp Company, in Bladen county.

These bills were read the first time and passed, and the last named bill, on motion of Mr. Gillespie, referred to the Committee on Internal Improvements.

Mr. Courts, from the Committee on Propositions and Grievances, reported unfavorably on the bill to erect a new county by the name of Madison; when said bill was, on motion of Mr. Patton, laid on the table.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported a bill concerning the power and jurisdiction of Justices of the Peace; which was read the first time and passed.

On motion, leave of absence from the service of this House, from and after this day, until Monday, was granted to Mr. I. W. Lane, and like leave to Mr. Davis, until Tuesday next.

A message from the Senate, informing that Messrs. J. W. Bryan and Edwards form their branch of the Committee of Conference on the disagreeing votes of the two Houses, on the Revised bill No. 6; and Messrs. Spruill and Marsteller, a like Committee on the Revised bill No. 38.

A message from the Senate, proposing that an election be held on to-morrow, at 12 o'clock, for a Public Printer. The proposition was agreed to.

A message from the Senate, transmitting the answer of his Excellency the Governor, to a call made by the Senate, for information in relation to the portion of the Surplus Revenue, belonging to this State, and proposing that said paper be referred to the Committee on the Surplus Revenue. The proposition was agreed to.

A message from the Senate, proposing that an election be held on Monday next, at 10 o'clock, for Councillors of State, and asking the concurrence of this House.

The proposition was disagreed to, and, on motion of Mr. Gales,

Ordered, That the Senate be invited to hold said election on Wednesday next, at 12 o'clock, and informing that

the names of Alfred Webb, Wm. A. Blount, and Joseph T. Rhodes, are withdrawn from the nomination, and the name of James Ellison added thereto.

A message from the Senate, informing that they had passed the Revised bill, concerning the Treasurer of the State, with sundry amendments, and asking the concurrence of this House.

The amendments being, on motion of Mr. Graham, amended, were concurred in.

A message from the Senate, concurring in the amendments of this House to the engrossed bill to authorise Courts of Equity, to direct the Clerks and Masters thereof, to execute titles for all property sold under decrees of said Courts:

Ordered, That said bill be enrolled.

On motion of Mr. Hill,

Ordered, That a proposition be made to the Senate, to rescind the Order to go into an election for Public Treasurer on Monday next; and that said election be held on Wednesday next, at 11 o'clock.

On motion of Mr. Moore,

Whereas, by the 4th Section of the 4th Article of the amendments to the Constitution of this State, it is declared, that "No person who shall hold any office or place of trust or profit, under the United States, or any Department thereof, or under this State, or any other State or Government, shall hold or exercise any other office or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly;" and, in the construction thereof, many difficulties and doubts have arisen among the members of this House:

And whereas, this House is exceedingly anxious to settle with accuracy, the meaning of the aforesaid Section, so far as respects the ineligibility of persons holding offices or places of trust, under the authority therein specified:

And whereas, the opinions of the Judges of the Supreme Court advisedly given, would likely afford much light on the matters of difficulty and doubt aforesaid. Therefore, be it

Resolved by the House of Commons, That the opinions of the Judges of the Supreme Court be requested on the following questions :

1st. To what day does the term "eligible" in said clause refer—the day of election, or the day of taking a seat in the House ?

2d. Which of the following offices, places or appointments, are offices or places of trust or profit, in the meaning of the before recited clause of the Constitution ; that is, Post Master, Deputy Postmaster, Solicitor, County Attorney, Constable, Entry Taker, county Trustee, Register, Sheriff, Notary, public Coroner, Inspector of Flour, Standard Keeper, and Trustee of the University ?

3d. What are Public and what Private Statutes within the meaning of said Constitution ? and what are the usual and ordinary criteria by which the one kind of Statutes may be known from the other ?

Resolved further, That as soon as the Judges of the Supreme Court shall assemble in this city, for the purpose of holding Court, the foregoing Resolution be communicated to the said Judges by the Speaker of this House, with a request that they advise on the questions here submitted, at as early a day as practicable, and inform this House of the result of their conclusions.

The foregoing Resolutions were read, when Mr. Tomlinson moved that the further consideration thereof, be indefinitely postponed.

The question thereon was decided in the negative—Yeas 43, Nays 63.

Those who voted in the affirmative, were :

Messrs. Blount, Braswell, Chambers, Coor, Cotten, Critz, Daniel, Davenport, Dunn, Faison, Gillespie, L. A. Guinn, Hawkins, Holland, Hooker, Howerton, Hutchison, Irion, Jarman, Judkins, Kenan, Kenyan, W. A. Lea, J. F. Lee, Maclin, Marshall, Moye, A. Perkins, Rand, Roebuck, Roberts, Sloan, Speller, Spiers, Stockard, Stallings, Tomlinson, Tuton, Walker, Ward, R. Whitley, K. Whitley, Williamson—43.

Those who voted in the negative, were:

Messrs. Adams, Averitt, Bedford, Boon, Brummell, Byrd, Campbell, Cansler, Clement, Courts, Covington, Cox, Crawford, Eaton, Erwin, Farrow, Fisher, Fleming, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, Hartley, Henry, Hill, Hoke, Horton, Hoskins, Howard, Jefferson, E. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, Moore, McAlister, McClannahan, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Rayner, Simpson, Smallwood, Smith, Swift, Thomas,—63.

Messrs. Clayton, W. Harris, D. Jordan, and Calloway, were, at their own request, excused from voting.

On motion of Mr. Moore,

Ordered, That said Resolution lie on the table.

A message from the Senate, informing that they had passed the engrossed bill to increase the salary of the Public Treasurer.

Said bill was read the first time and passed.

Mr. Moore, from the Committee on the Revised Statutes, reported the bill concerning Oaths ; which was read the first time and passed.

The engrossed bill fixing the time for perfecting titles to lands, heretofore entered and paid for, was read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment heretofore made.

The resignation of Andrew Steel, as a Justice of the Peace of the county of Stokes ; and of Riddick Freeman, as a Justice of the Peace of the county of Burke, were presented, read, and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The Revised bill prescribing a mode by which partition of real and personal Estates may be made among Tenants in Common, and in what cases such Estates may be sold for a division ; the bill concerning Weights and Measures ; the bill concerning Fences ; the bill concerning Iron and Gold Mines ; and the bill concerning Strays, were each read the third time, passed, and sent to the Senate.

The bill concerning the power and jurisdiction of Justices of the Peace, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 23, 1836.

On motion, leave of absence, from the service of the House, from this day until Wednesday next, was granted to Mr. W. A. Lea; and like leave granted Mr. Lindsay, till Friday next.

The bill to incorporate the Roanoke Valley Rail Road Company, was read the second time. Mr. Braswell called for the notice to be exhibited, as required by the Constitution, on the passing of Private bills. No notice being produced, Mr. Braswell moved that said bill be postponed indefinitely.

The question thereon, was decided in the negative—Yeas 24, Nays 69. The Ayes and Noes demanded by Mr. McNeill.

Those who voted in the affirmative, were :

MESSRS. Braswell, Byrd, Caldwell, Coor, Cotten, Daniel, Dunn, Holland, Howerton, Hutchison, Irion, Jarman, J. F. Lee, Marshall, Moye, A. Perkins, Roebuck, Speller, Spiers, Stallings, Tomlinson, Ward, R. Whitley, K. Whitley—24.

Those who voted in the negative, are:

MESSRS. Adams, Averitt, Bedford, Blount, Boon, Brummell, Campbell, Cansler, Chambers, Clayton, Clement, Courts, Covington, Cox, Crawford, Critz, Davenport, Erwin, Faison, Farrow, Fisher, Fleming, Gales, Gary, Gilliam, Grady, Graham, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hooker, Hoskins, Howard, Jefferson, E. Jordan, Judkins, N. J. King, Kenyan, W. B. Lane, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, W. J. T. Miller, Moore, McAllister, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Stockard, Thomas—69.

The bill thereupon, passed its second reading.

On motion, leave of absence was granted to Mr. Chambers, from this day, till Tuesday next.

A message from the Senate, agreeing to the proposition of this House, to rescind the orders for going into an election of Treasurer and Councillors of State on Monday next, and agreeing to go into said election on Wednesday next.

Mr. Hill, from the Committee on Internal Improvement, reported the bill to incorporate the Colly Swamp Company in Bladen county, with amendments.

The amendments were concurred in, and the said bill read the second time and passed.

A message from the Senate concurring in the proposition of this House, to raise a joint Select Committee, to consist of five on the part of each House, to enquire into the expediency of erecting a Penitentiary, and informing that Messrs. Joyner, Dobson, Taylor, Jones and Fox, form their branch of said Committee.

Ordered, That Messrs. Boon, Graham, J. F. Lee, Courts, and Guthrie, compose the Committee on behalf of the Commons.

The resignation of James Alexander, as a Justice of the Peace of the county of Tyrrell, received from the Senate, was read and accepted.

Mr. Rayner, from the Committee on Claims, reported favorably on the engrossed Resolution in favor of George Williamson, late Sheriff of Caswell County.

Said Resolution was read and rejected.

The engrossed bill to amend an act for the more uniform and convenient administration of Justice within this State, passed in the year 1806, was read the third time, amended and passed.

Ordered, That the concurrence of the Senate be asked in the amendments made by this House.

On motion of Mr. Averitt,

Ordered, That a proposition be sent to the Senate, to go into an election for Public Printer, on Wednesday next at 1 o'clock.

The engrossed bill to increase the salary of Public Treasurer, was read the second time, and the question shall the said bill pass the second reading, was determined in the negative, Yeas 31, Nays 70.

The Yeas and Nays demanded by Mr. Hartley.

Those who voted in the affirmative, were :

Messrs. Bedford, Brummell, Clayton, Erwin, Faison, Farrow, Fisher, Gales, Gary, Grady, Graham, Granberry, J. W. Guinn, W. Harris, Henry, Hill, Horton, Hoskins, Howard, Kenan, J. A. King, W. J. T. Miller, Moore, McRae, Petty, Pinkston, Pritchard, Rayner, Satterthwaite, Smith, Swift—31.

Those who voted in the negative, were :

Messrs. Adams, Averitt, Boon, Braswell, Byrd, Campbell, Cansler, Coor, Cotten, Covington, Cox, Crawford, Critz, Daniel, Davenport, Dunn, Eaton, Fleming, George, Gillespie, Gilliam, L. A. Gwyn, W. S. Harris, Hartley, Hawkins, Holland, Hooker, Howerton, Hutchison, Irion, Jarman, Jefferson, E. Jordan, Judkins, N. J. King, Kenyan, W. B. Lane, J. F. Lee, Loudermilk, MacLin, Marshall, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, Moye, McAlister, McNeill, Neal, Nye, Patton, J. H. Perkins, A. Perkins, Rand, Roebuck, Roberts, Simpson, Sloan, Smallwood, Speller, Spiers, Stallings, Stockard, Thomas, Tomlinson, Tuton, Walker, Ward, R. Whitley, K. Whitley—70.

A message from the Senate, concurring in the proposition of this House, to rescind the joint order for the election of a Public Printer this day.

On motion, leave of absence from the service of this House, from this day until Wednesday next, was granted to Mr. Gee.

Mr. Tomlinson, from the Committee on Private Bills, reported the bill to incorporate the Town of Waynesboro', without amendment.

Said bill was read, and, on motion of Mr. Satterthwaite, laid on the table.

Mr. Moore, from the Committee on the Revised Statutes, reported the bill concerning the appointment of Guardians, and the management of Orphans and their Estates; which was read the first time and passed.

Mr. J. W. Guinn, from the same Committee, reported the bill concerning the Clerks of the County and Superior Courts; also, a bill concerning Auctioneers and Auctions.

These bills were read the first time and passed.

The Speaker laid before the House the following communication, addressed to the Speakers of the two branches of the General Assembly:

Raleigh, 23d December, 1836.

GENTLEMEN :

I have had the honor of receiving your communication of the 12th inst. informing me of my election as Governor of the State of North-Carolina, for two years, commencing with the first of January, 1837; and that it would be acceptable to the Legislature, to be informed at what time it would be convenient to me to appear be-

fore the two Houses, to take the Oaths prescribed for the qualification of a Governor.

I will do myself the honor of appearing before the two Houses of the General Assembly, on Saturday, the 31st inst. for that purpose, unless it shall suit the convenience of the Assembly to name some earlier day.

With very high respect,

I am, Gentlemen,

Your obedient servant,

EDWARD B. DUDLEY.

Hon. W. H. HAYWOOD, jr. s. n. c. }

Hon. HUGH WADDELL, s. s. }

On motion of Mr. Hill,

Ordered, That the foregoing communication be transmitted to the Senate, with a proposition to appoint a Joint Select Committee of two on the part of each House, to wait on the Governor elect, and inform him that it will suit the convenience of the two Houses to assemble for the purpose of his qualification, on Saturday, the 31st of December—and that the said Committee make suitable arrangements for that purpose, and report to the two Houses.

Received a message from the Senate, concurring in this proposition of the Commons, and informing that Messrs. J. W. Bryan and Hall compose their branch of the Committee of Arrangements.

Ordered, That Messrs. Hill and Hoke form said Committee on behalf of the Commons.

The resignation of Isham Swols, as a Justice of the Peace for the county of Columbus, was presented, read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported a bill prescribing the mode of subjecting the lands of deceased debtors for the payment of their debts; which was read the first time and passed.

The Revised bill concerning the power and jurisdiction of Justices of the Peace, was read the third time, passed, and ordered to be sent to the Senate.

Mr. Gilliam, from the Committee on the Revised Code, reported the following bills, viz:

A bill concerning the Processioning of Lands; a bill concerning Waste; a bill concerning Gaming.

These bills were read the first time and passed.

The Revised bill concerning the Attorney General and Solicitors for the State; the bill concerning the repeal of Statutes; the bill to establish a fund for Internal Improvement, and to create a Board for the management thereof; the bill to enable Women, in certain cases, to maintain actions of Slander; the bill concerning incorporated Towns; the bill concerning the appointment and duties of a Patrol in each county; the bill for regulating Ordinaries; the bill prescribing a mode of recovering against certain Officers therein mentioned, and their Securities; the bill concerning the Governor and Council of State; the bill for the more effectual suppression of Vice and Immorality; the bill to empower the several County Courts to establish Fairs in their respective counties; a bill declaring what parts of the Common Law shall be in force in this State; the bill concerning the burning of Woods—were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 24, 1836.

Mr. McRae moved that the vote of yesterday, by which the engrossed Resolution in favor of George Williamson, late Sheriff of Caswell, was rejected, be now re-considered.

The question on this motion was decided in the affirmative, and the Resolution again read the second time; and the question, shall the said Resolution pass the second reading, was decided in the affirmative—Yeas 69, Nays 29.

The Yeas and Nays demanded by Mr. W. S. Harris,

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Boon, Brummell, Braswell, Byrd, Campbell, Caldwell, Cansler, Clayton, Clement, Coor, Cotten, Courts, Covington, Cox, Crawford, Critz, Daniel, Davenport, Dunn, Eaton, George, Gilliam, Graham, Granberry, J. W. Guinn, Guthrie, L. A. Gwyn, W. Harris, Hartley, Hawkins, Henry, Hoke, Holland, Hooker, Horton, Howard, Hutchison, Irion, Jarman, Jefferson, Judkins, Kenan, N. J. King, Kenyan, J. F. Lee, Maclin, E. P. Miller, W. J. T. Miller, Moore, McClennahan, McNeill, McRae, Neale, Nye, Rayner, Roebuck, Roberts, Simpson, Smith, Speller, Stallings, Stockard, Tomlinson, Thomas, Walker, Ward, Williamson—69.

Those who voted in the negative, were :

MESSRS. Averitt, Erwin, Faison, Fleming, Gary, Gillespie, Grady, W. S. Harris, Howerton, E. Jordan, Loudermilk, Marshall, I. Matthews, C. H. Matthews, Maulsby, Moye, Patton, J. H. Perkins, A. Perkins, Petty, Pinkston, Pritchard, Rand, Satterthwaite, Sloan, Smallwood, Spiers, Swift, Tuton—29.

On motion of Mr. L. A. Gwyn, the said Resolution was amended, and again read the third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

A message from the Senate, concurring in the amendments made by the House of Commons, to the engrossed bill fixing the time for perfecting titles to Lands, heretofore entered and paid for.

Ordered, That said bill be enrolled.

A message from the Senate, concurring with this House in their amendment to bill No. 17, of Revised Code, concerning the Treasurer of the State.

A message from the Senate, concurring in the proposition of this House, to vote for Public Printer on Wednesday next, at 1 o'clock.

A message from the Senate, concurring in the proposition of this House, to raise a joint Select Committee of two on the part of each House, to take into consideration the Revenue Laws of the State, and informing that Messrs. Polk and Moseley form their branch of the Committee.

Ordered, That Messrs. Hill and Guthrie form said Committee on behalf of this House.

Mr. Fisher, from the Committee on Internal Improvements, reported a bill to lay off and construct a road from the Town of Franklin in Macon county, across the Nan-

tahala Mountain to Valley River, and thence to the Georgia line, which was read the first time and passed.

Mr. Gary presented the following Resolution :

Resolved, That the Committee on the Surplus Revenue, be instructed to inquire into the expediency of vesting the said fund in some profitable Stocks, and of setting apart the whole, or a portion of the interest arising therefrom, to the establishment of Primary Schools for the Education of the indigent youth of this State, and that they have leave to report by bill or otherwise.

Said Resolution was read and rejected.

The bill prescribing the manner in which the Public Printing shall in future be regulated, was read the second time, and the question shall the said bill pass the second reading, was decided in the affirmative, Yeas 72, Nays 16.

The Yeas and Nays demanded by Mr. Gilliam.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Bedford, Boon, Braswell, Brummell, Byrd, Cansler, Cotten, Courts, Covington, Cox, Critz, Daniel, Davenport, Dunn, Erwin, Faison, Farrow, Fisher, Fleming, Gales, Gilliam, Grady, Graham, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hoke, Holland, Hooker, Horton, Howard, Irion, Jarman, E. Jordan, Judkins, Kenan, J. F. Lee, Loudermilk, Maclin, Marshall, I. Matthews, C. H. Matthews, Maulsby, W. J. T. Miller, Moore, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Pritchard, Rayner, Roebuck, Roberts, Simpson, Smith, Spiers, Stockard, Thomas, Tomlinson, Ward, Williamson—72.

Those who voted in the negative, were :

MESSRS. Campbell, Caldwell, Clement, Coor, Crawford, Gary, Gillespie, E. P. Miller, Moye, Petty, Rand, Satterthwaite, Sloan, Stallings, Swift, Tuton—16

On motion of Mr. Graham, the House agreed to reconsider the vote just taken, when the said bill was, on motion of Mr. J. W. Guinn, referred to a Select Committee, which Committee consists of Messrs. J. W. Guinn, Gales, Hutchison, Stockard and Howerton.

The bill to repeal an act, entitled an act, for the better administration of Justice in the county of Haywood, passed in the year 1833, chapter 41st, and for other purposes, was read, and, on motion of Mr. Moore, referred to a Select Committee. Said Committee consists of Messrs. Moore, Smith, Rand, Maclin and Simpson.

Mr. Swift introduced a bill founded on a petition, to

authorize Ebenezer Pettigrew, to build a bridge across Scuppernon River, which was read the first time and passed, and, on Mr. Swift's motion, referred to the Committee on Internal Improvements, with instructions to report a general bill upon the subject.

The Revised bill to establish a fund for Internal Improvement, and to create a board for the management thereof, was read the third time, passed, and ordered to be sent to the Senate.

The bill to incorporate the Roanoke Valley Rail Road Company, was read the third time, passed, and ordered to be engrossed.

The engrossed bill empowering Courts of Record to change names, was read the third time, amended, and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

On motion, leave of absence was granted to Mr. Hill, from this day, till Tuesday next, and to Mr. Eaton, from and after Monday, till Thursday, and like leave granted to Mr. Blount, from and after yesterday, till Tuesday.

The engrossed bill to incorporate the Salem Manufacturing Company, was read the second time and passed.

Mr. Thomas moved that the House do re-consider the vote of yesterday, by which the bill to amend an act for the more uniform and convenient administration of Justice within this State, passed in the year 1806, passed its third reading.

The question on re-considering, was determined in the affirmative, Yeas 49, Nays 46.

The Yeas and Nays demanded by Mr. Faison.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Boon, Braswell, Clayton, Covington, Cox, Crawford, Critz, Daniel, Davenport, Eaton, Faison, Gary, George, Gillespie, Guthrie, W. Harris, Hawkins, Henry, Hooker, Howerton, Irion, Judkins, Kenan, Maclin, I. Matthews, C. H. Matthews, Maulsby, Moore, Moya, Nye, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Satterthwaite, Simpson, Sloan, Smallwood, Speller, Spiers, Stockard, Swift, Thomas, Tomlinson, Tuton—49.

Those who voted in the negative, were :

MESSRS. Bedford, Brummell, Byrd, Campbell, Cansler, Courts, Dunn,

Erwin, Fisher, Fleming, Gales, Gilliam, Grady, Graham, Granberry, J. W. Guinn, L. A. Guinn, W. S. Harris, Hartley, Hoke, Holland, Horton, Howard, Hutchison, Jarman, Jefferson, E. Jordan, N. J. King, Kenyan, J. F. Lee, Loudermilk, Marshall, E. P. Miller, W. J. T. Miller, McClennahan, McNeill, McRae, Neale, Patton, J. H. Perkins, Roebuck, Roberts, Smith, Stallings, Ward, Williamson—46.

The question recurring on the passage of the bill, Mr. Faison moved that the House do reconsider the vote of yesterday, by which an amendment to said bill was received in the following words, viz :

“And be it further enacted, That the Judges of the Superior Courts of Law and Equity, shall each have an Annual salary of one thousand nine hundred and sixty-six dollars, payable semi-annually : Provided, nevertheless, That if any of the Judges aforesaid, shall fail to produce to the Treasurer, the Certificate or Certificates of any of the Clerks of the several Superior Courts of the Districts assigned them, it shall be the duty of the Treasurer, for every Certificate they shall fail to produce, to deduct one hundred dollars.”

The question on reconsidering said amendment, was decided in the affirmative—Yeas 56, Nays 42.

Those who voted in the affirmative, were :

Messrs. Adams, Averitt, Boon, Clement, Coor, Cox, Crawford, Daniel, Davenport, Eaton, Faison, Gary, George, Gillespie, Guthrie, W. Harris, Hartley, Hawkins, Henry, Hoke, Hooker, Howard, Howerton, Irlon, Jarman, Jenkins, Kenan, Maclin, Marshall, I. Matthews, C. H. Matthews, Maulsby, Moore, Mbye, Neale, Nye, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Roebuck, Satterthwaite, Simpson, Sloan, Smallwood, Speller, Spiers, Stockard, Swift, Thomas, Tomlinson, Tuton, Ward, Williamson—56.

Those who voted in the negative, were :

Messrs. Bedford, Braswell, Brummell, Byrd, Campbell, Cansler, Clayton, Cotten, Courts, Covington, Critz, Dunn, Erwin, Fisher, Fleming, Gales, Gilliam, Grady, Graham, Granberry, J. W. Guinn, L. A. Guinn, W. S. Harris, Holland, Horton, Hutchison, Jefferson, E. Jordan, N. J. King, Kenyan, J. F. Lee, Loudermilk, E. P. Miller, W. J. T. Miller, McClennahan, McNeill, McRae, Patton, J. H. Perkins, Roberts, Smith, Stallings—42.

The said bill was thereupon, on motion of Mr. Rayner, postponed until Tuesday next.

The Revised bill concerning the repeal of Statutes ; the bill concerning incorporated Towns ; the bill to enable Women, in certain cases, to maintain actions of Slander ;

and the bill concerning the Attorney General and Solicitors for the State—were severally read the third time, passed, and ordered to be sent to the Senate.

The resignations of Francis McGee, as Lieut. Colonel of Haywood County Militia, and of Joseph R. Ballard, as Justice of the Peace for the county of Martin, were read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The bill concerning the burning of Woods; the bill for regulating Ordinaries; the bill declaring what parts of the Common Law shall be in force in this State; the bill concerning Offices; the bill prescribing the mode of recovering against certain Officers therein mentioned, and their Securities; the bill concerning the Governor and Council of State; the bill to empower the several County Courts to establish Fairs in their respective counties; and the bill concerning the appointment and duties of a Patrol in each county—were each read the third time, passed, and ordered to be sent to the Senate.

The Revised bill concerning Waste; the bill concerning Gaming; and the bill concerning Courts of Equity—were each read the second time and passed.

The bill for the more effectual suppression of Vice and Immorality, was read the third time and passed, and ordered to be sent to the Senate.

Mr. L. A. Gwyn gave notice that he should, on Monday, move a suspension of the 30th Rule of Order, for the remainder of the Session, so far as it may relate to the Revised Statutes.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 26, 1836.

In pursuance of notice heretofore given, Mr. L. A. Gwyn moved a suspension of the 30th Rule of Order, for the re-

mainder of the session, so far as it relates to the Revised Statutes. The motion prevailed.

Mr. J. W. Guinn introduced a Resolution in favor of David Fulton, which was read the first time and passed, and, on motion of Mr. Guinn, referred to the Committee on Claims.

Mr. Erwin presented a petition from many citizens of the counties of Burke and Wilkes, praying the erection of a new county; which was read, and, on Mr. Erwin's motion, referred to the Committee on Propositions and Grievances.

Messrs. Calloway, Coor, Marshall and Swift were appointed a Committee on enrolled bills for the present week.

On motion of Mr. Moore, the Revised bill concerning the action of Replevin, was referred to the Committee on the Judiciary.

A message from the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to enquire into the expediency of fitting up the Government House, and furnishing the same for the Governor of the State, to ascertain the amount required to fit up and furnish the same, and report by Resolution or otherwise.

The proposition was agreed to, and Messrs. Gilliam, Moore and Gales appointed the Committee on behalf of the Commons.

A message from the Senate, informing that Messrs. Jones and Whitaker form, the present week, their Committee on enrolled bills.

The Speaker laid before the House a letter from G. L. Champion, of South-Carolina, in relation to certain works of Internal Improvement in the State; which was read, and, on motion of Mr. Crawford, laid on the table.

A message from the Senate, informing that they insist upon their amendments to the engrossed Resolution directing the Public Treasurer to receive, in payment for Cherokee Lands, certain Notes of the Banks of Virginia, Georgia, and South Carolina.

The House resolved to adhere to their disagreement to said amendment ; and, on motion of Mr. J. W. Guinn,

Ordered, That a Conference be asked with the Senate on said disagreement ; and that the Committee for that purpose, consist of two on the part of each House.

Mr. Rayner introduced the following Resolutions :

Whereas, an Act passed at the last session of Congress, entitled an Act to regulate the "Deposites of the Public money," was only intended "as a temporary expedient to dispose of the Surplus remaining in the Treasury on the 1st of January, 1837 ; and, therefore, cannot operate on the Revenue arising from the sales of the Public Lands, from and after that time."

And whereas, The Public Lands belonging to the United States, were either ceded to the General Government by the old States, as a means to pay the public debt, and for the common use and benefit of all the States (North Carolina inclusive) which, at the time of cession, were members of the Union ; or might thereafter become so ; or were purchased or paid for, out of the Common Treasury of all the States.

And whereas, The Public Debt of the United States has been fully paid off, and there is annually accruing, a large Surplus not required for any of the purposes of Government :

Resolved, therefore, by the General Assembly of North Carolina, That the proceeds of the Sales of the Public Lands ought to be divided among the States of this Confederacy, as near as may be, according to their respective and usual proportion in the general charge and expenditure, viz : According to their Federal population.

Resolved, That any Act, by which the Public Lands shall be given to the States in which they are situated, would be a violation of the Cession Acts, and an act of injustice, and a breach of faith to those States which originally ceded them to the Confederacy.

Resolved, That any reduction of the minimum price at which the lands are now sold, is not demanded by the public necessities, or by expediency ; but would operate as a boon to speculators at the expense of the old States, and the community at large.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of a law for an annual division of the proceeds of the Public Lands, among the several States of this Union, according to their Federal population ; and that they oppose any and every attempt that may be made either to give the Public Lands to the States in which they are situated, or to reduce the price thereof below the minimum of one dollar and twenty-five cents per acre.

Resolved, That the Governor of this State be, and he is hereby requested, to transmit copies of these Resolutions, to each of our Senators and Representatives in the Congress of the United States:

The foregoing Resolutions were read, and, on motion of Mr. Rayner, ordered to lie on the table and be printed.

Mr. J. W. Guinn gave notice that he should, on tomorrow, move a suspension of the 49th Rule of Order, for the residue of the session, so far as relates to the Revised Statutes.

The engrossed bill to incorporate the Salem Manufacturing Company, was read the third time, passed, and ordered to be enrolled.

The bill concerning Courts of Equity ; the bill to provide for the collection and management of a Revenue for this State ; the bill concerning Gaming ; and the bill concerning Waste, were each read the third time, passed, and ordered to be sent to the Senate.

Mr. Walker introduced the following Resolution :

Resolved, That the Committee on the Surplus Revenue, be instructed to enquire into the expediency of appropriating three hundred thousand dollars of said Surplus Revenue, to the establishment of one or more Free Schools in every county in this State ; and that they report by bill or otherwise.

Said Resolution was read and adopted.

The bill prescribing the mode of subjecting the lands of deceased debtors, for the payment of their debts ; the bill concerning Cattle, Horses, and Hogs ; the bill for the relief of sick and disabled Seamen ; the bill concerning Mills and Millers ; and the bill to regulate Descents, were each read the second time and passed.

The resignation of Lewis Thomas, as a Justice of the Peace for the county of New Hanover, was read and accepted.

Mr. Davenport introduced the following Resolution, viz :

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn *sine die*, on Tuesday, the 10th day of January next; and that the Clerks be required to make out their estimates up to that day.

Mr. Gales moved that said Resolution lie on the table. The question thereon was decided in the negative—Yeas 27, Nays 58.

The Yeas and Nays demanded by Mr. Moye.

Those who voted in the affirmative, were :

Messrs. Brummell, Campbell, Clement, Covington, Crawford, Fisher, Gales, George, Guthrie, W. S. Harris, Hoskins, Howard, Hutchison, Judkins, W. B. Lane, Moore, McAllister, McClennahan, Patton, J. H. Perkins, A. Perkins, Pritchard, Roberts, Simpson, Sloan, Swift, Williamson—27.

Those who voted in the negative, were :

Messrs. Adams, Averitt, Bedford, Boon, Braswell, Byrd, Calloway, Cansler, Clayton, Cotten, Courts, Critz, Cox, Daniel, Davenport, Dunn, Fleming, J. W. Guinn, L. A. Gwyn, W. Harris, Hartley, Henry, Hoke, Holland, Horton, Howerton, Irion, Jarman, Jefferson, E. Jordan, N. J. King, Kenyan, I. W. Lane, J. F. Lea, Loudermilk, Marshall, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moye, McNeill, Neale, Nye, Petty, Pinkston, Rayner, Roebuck, Satterthwaite, Smallwood, Smith, Speller, Spiers, Stallings, Stockard, Thomas, Tomlinson, Ward—58.

On motion of Mr. Hoke, the Resolution was amended by striking out the words “and that the Clerks be required to make out their estimates up to that day.”

Mr. Guthrie moved that said Resolution be referred to a Select Committee. The question thereon was decided in the negative.

Mr. J. W. Guinn moved to strike out the words “the 10th,” and insert the 16th.

Mr. Campbell now called for a division of the question; and the question being first on striking out “the 10th,” was decided in the affirmative.

The question being then put on filling the blank with “the 16th,” was decided in the affirmative.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The bill concerning Auctions and Auctioneers, and the bill concerning Clerks of the County and Superior Courts, were read the second time and passed.

Mr. Williamson moved that the House adjourn until to-morrow morning, 10 o'clock. The question was decided in the negative—Yeas 4, Nays 64.

The Yeas and Nays demanded by Mr. Williamson.

Those who voted in the affirmative, were:

MESSRS. Hoskins, McRae, Speller, Williamson—4.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Braswell, Brummell, Byrd, Caldwell, Cansler, Clayton, Clement, Coor, Cotten, Courts, Covington, Cox, Crawford, Daniel, Davenport, Dunn, Fleming, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Holland, Horton, Howard, Howerton, Jarman, Jefferson, E. Jordan, Judkins, Kenan, Kenyan, W. B. Lane, I. W. Lane, J. F. Lee, Loudermilk, Marshall, W. J. T. Miller, Moore, Moye, Neale, Nye, Patton, J. H. Perkins, Petty, Pinkston, Pritchard, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smith, Spiers, Stockard, Thomas, Tomlinson, Tutton, Ward—64.

The bill concerning the Processioning of Lands ; the bill appointing Commissioners to take Affidavits ; the bill concerning the University of North-Carolina ; and the bill prescribing the Salaries and Fees of the Officers of this State—were read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 27, 1836.

The House again resumed the consideration of the Resolution in relation to the adjournment of the two Houses, when the same was adopted.

In pursuance of the notice given yesterday, Mr. J. W. Guinn moved a suspension of the 49th Rule of Order, for the residue of the session, so far as it may affect the Revised Statutes.

On motion, leave of absense from the service of this

House, from this day until Monday next, was granted to Mr. Fisher.

Mr. Campbell introduced a bill concerning the Surplus Revenue; which was read the first time and passed.

A message from the Senate, informing that they had rejected the engrossed bill to amend an act passed at the last General Assembly, entitled an act making it the duty of the Governor to convey to the Justices of Haywood county certain lands therein named.

The bill to regulate Descents, and the bill concerning Mills and Millers, were each read the third time, passed, and ordered to be sent to the Senate.

The bill for the relief of sick and disabled American Seamen, was read the third time, and passed, and ordered to be sent to the Senate.

Mr. Graham, from the Committee on the Revised Statutes, reported the bill limiting the time within which actions may be brought, and for quieting the title to Lands and Slaves, and prescribing the time within which presumption of satisfaction may arise; which was read the first time and passed.

The bill to amend an act for the more uniform and convenient administration of Justice within this State, passed in the year 1806, was read the third time, amended, and the question, shall the said bill pass its third reading, was decided in the affirmative--Yeas 62, Nays 40.

The Yeas and Nays demanded by Mr. I. Matthews.

Those who voted in the affirmative, were:

MESSRS. Averitt, Bedford, Braswell, Brummell, Byrd, Campbell, Caldwell, Calloway, Cansler, Clayton, Clement, Cotten, Courts, Covington, Critz, Dunn, Erwin, Fleming, Gales, Gary, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Henry, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Hutchison, Jefferson, Kenan, J. A. King, N. J. King, Loudermilk, Marshall, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McClennahan, McNeill, Neale, Nye, Patton, J. H. Perkins, Petty, Pinkston, Roberts, Smith, Walker, Ward, Williamson--62.

Those who voted in the negative, were:

MESSRS. Adams, Coor, Cox, Daniel, Davenport, Davis, George, Guthrie, Hawkins, Hooker, Howerton, Irion, Jarman, Judkins, Kenyan, W. B. Lane, I.

W. Lane, J. F. Lee, I. Matthews, Moye, McAllister, A. Perkins, Pritchard, Rand, Rayner, Roebuck, Satterthwaite, Simpson, Sloan, Smallwood, Speller, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, R. Whitley, K. Whitley—40.

Ordered, That the concurrence of the Senate be asked in the amendments.

Mr. McClennahan moved that a message be sent to the Senate, proposing to rescind the Joint Orders of the two Houses, to go into an election of Councillors of State on to-morrow. The motion was lost.

A message from the Senate, informing that Messrs. J. W. Bryan, Hawkins and Skinner, are appointed on their part, the Joint Committee on the subject of fitting up and furnishing the Governor's House.

The bill concerning Cattle, Horses and Hogs ; the bill prescribing the mode of subjecting Lands of deceased debtors, for the payment of their debts; and the bill concerning the processioning of Lands, were each read the third time, passed, and ordered to be sent to the Senate.

The House then adjourned until this afternoon at 3 o'clock.

THREE o'clock, P. M.

Mr. Moore, from the Committee on the Revised Statutes, reported a bill concerning Surety and Principal ; and a bill concerning the seat of Government and Public Buildings ; these bills were read the first time and passed.

The bill concerning the Clerks of the County and Superior Courts, was read the third time, passed, and ordered to be sent to the Senate.

Mr. J. W. Guinn presented a bill concerning Sheriffs, reported from the Committee on the Revised Code, which was read the first time and passed.

The bill appointing Commissioners to take Affidavits ; the bill concerning Auctions and Auctioneers ; the bill concerning the University of North Carolina, were each

read the third time, passed, and ordered to be sent to the Senate.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported the bill concerning Deeds and Conveyances of Lands and Slaves, Mortgages and Powers of Attorney, their Execution, Probate and Registration, which was read the first time and passed.

The bill for limiting the time within which actions may be brought, and for quieting the title to Land and Slaves, and prescribing the time within which presumption of satisfaction may arise ; and the bill concerning Charities ; were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 28, 1836.

Received from his Excellency, the Governor, by his Private Secretary, a communication transmitting copies of two acts of the General Assembly of the State of South Carolina, passed at its last session, one to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, the other to confer Banking privileges on the Stockholders of said Company, also joint Resolutions on the subject of said Rail Road, and an extract from an act of the same body, to make appropriations for the year 1836. The communication and documents were read, and, on motion of Mr. Graham, ordered to be transmitted to the Senate, with a proposition that the two acts of the South Carolina Legislature shall be printed.

Ordered, That a message be sent to the Senate, informing that the names of Cornelius Dowd, jr. and Daniel W. Courts are nominated for the office of Public Treasurer ; that Messrs. Clayton and Hollingsworth, are appointed superintendants of said election, and that the Commons are now ready to proceed to vote as heretofore agreed on.

A message from the Senate, informing that Messrs Moyer and Sanders, form said Committee on their part.

The Commons thereupon, proceeded to vote as follows,
viz :

FOR D. W. COURTS.

MESSRS. Adams,
Averitt,
Boon,
Braswell,
Byrd,
Campbell,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Covington,
Crawford,
Critz,
Daniel,
Davenport,
Davis,
Dunn,
Farrow,
Fleming,
Gales,
George,
Gillespie,
Gilliam,
Graham,
J. W. Guinn,
L. A. Gwyn,
W. S. Harris,
Hartley,
Hawkins,
Henry,
Hill,
Holland,
Hollingsworth,
Hooker,

MESSRS. Howard,
Howerton,
Hutchison,
Irion,
Jarman,
Jefferson,
Judkins,
J. A. King,
N. J. King,
I. W. Lane,
W. A. Lea,
Maclin,
Marshall,
C. H. Matthews,
W. J. T. Miller,
Moore,
Moye,
McClennahan,
Neale,
Nye,
Patton,
Petty,
Rand,
Roberts,
Satterthwaite,
Simpson,
Smallwood,
Smith,
Spiers,
Stockard,
Tomlinson,
Tuton,
R. Whitley,
Haywood—69.

FOR C. DOWD, JR.

MESSRS. Brummell,
Cox,

MESSRS. Loudermilk,
Maultsby,

Grady,
Guthrie,
W. Harris,
E. Jordan,
W. B. Lane,

McAllister,
McNeill,
McRae,
Pinkston,
Thomas—14.

FOR SAMUEL F. PATTERSON.

MESSRS. Bedford,
Clayton,
Clement,
Erwin,
Gary,

MESSRS. Horton,
I. Matthews,
E. P. Miller,
J. H. Perkins,
Swift—10.

FOR JOHN H. WHEELER.

MESSRS. Cotten,
Granberry,
Hoke,
Hoskins,
Kenan,
Kenyan,
J. F. Lee,
A. Perkins,
Pritchard,

MESSRS. Roebuck,
Rayner,
Sloan,
Speller,
Stallings,
Walker,
Ward,
K. Whitley,
Williamson—18.

Mr. Clayton, from the Committee appointed to superintend the said election, reported that Daniel W. Courts had received a majority of the whole number of votes, and that he was duly elected.

The Report was concurred in.

On motion of Mr. Hutchison, the following names were withdrawn from the nomination for Councillors of State, viz: Samuel McCombs, Daniel Turner and John Haywood; and the following names added thereto, viz: James Watt, Francis L. Dancey and Archibald H. Davis.

Messrs. Hutchison and Gales were appointed a Committee to superintend the voting, and the Senate informed that the Commons are now ready to go into said election.

A message from the Senate, informing that Messrs. Dockery and Cowper, of Gates, form their Committee of Superintendance.

The House then proceeded to vote as follows, viz:

FOR JOHNSTON BUSBEE.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard—51:

FOR ALFRED JONES.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,

MESSRS. Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,

Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard—53.

FOR CHARLES E. JOHNSTON.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
W. S. Harris,
W. Harris,
Hill,
Horton,

MESSRS. N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard,
J. W. Guinn,

Hoskins,
Jefferson,
E. Jordan,
J. A. King,

A. Perkins,
Stallings,
Guthrie—55.

FOR WILLIE PERRY.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas
Howard—53.

FOR A. C. McREE.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,

MESSRS. Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,

Covington,
Cox,
Crawford,
Davenport
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard—53.

FOR J. ELLISON.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,

MESSRS. Jefferson,
E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,

Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard—53.

FOR ALLEN GOODWIN.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Cotten,
Covington,
Cox,
Crawford.
Davenport,
Erwin,
Farrow,
Fleming,
Gales,
Gary,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

MESSRS. E. Jordan,
J. A. King,
N. J. King,
W. B. Lane,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Petty,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Howard,
McNeill,
Rand,
Sloan—56.

FOR J. WATTS.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,

MESSRS. Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,

Chambers,
Coor,
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
Judkins,
Kenan,

Moye,
McNeill
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson,
Hollingsworth, 57

FOR F. L. DANCEY.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,

MESSRS. Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,

Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
Judkins,
Kenan,

Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson,
Hollingsworth, 55

FOR ALLEN ROGERS, sen.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Clayton,
Coor,
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Bawkins.
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,

MESSRS. Jarman,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McClennahan,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Smith,
Speller,
Spiers,
Stallings,
Stockard.
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,

Judkins,
Kenan,

Williamson,
Hollingsworth, 58

FOR G. WILLIAMSON.

MESSRS. Averitt,
Braswell,
Byrd,
Calloway,
Cansler,
Chambers,
Coor,^a
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
Judkins,
Kenan,
Kenyan,

MESSRS. I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson,
Hollingsworth,
Jefferson—57.

FOR A. H. DAVIS.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,

MESSRS. Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,

MESSRS. Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,
Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,

MESSRS. McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson--57.

FOR W. S. ASHE.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Causler,
Chambers,
Coor,
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,

MESSRS. Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill
Neale,
Nye,
A. Perkins,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stallings,

Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,

Judkins,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson—56.

FOR A. McDIARMID.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
Guthrie,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
Jarman,

MESSRS. Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Speller,
Spiers,
Stockard,
Tomlinson,
Tuton,
Ward,
R. Whitley,
K. Whitley,
Williamson—55.

Mr. Hutchison, from the Committee appointed to superintend said election, reported that James Watts, George Williamson, Allen Rogers, sen. Archibald H. Davis, and

Allen Goodwin, had each received a majority of the whole number of votes, and were duly elected; and that no other person in nomination had received such majority. The report was concurred in.

A message from the Senate, agreeing to a Conference of the two Houses, on their disagreement on the bill authorising the Treasurer to receive certain Bank Notes in payment for Cherokee Lands, and informing that Messrs. Edwards and Carson form their Committee for this purpose.

Ordered, That Messrs. J. W. Guinn and Smith form said Committee on behalf of the Commons.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that the Joint Order of the two Houses, to go into an election for Public Printer this day, be rescinded.

A message from the Senate was received, agreeing to this proposition.

A message from the Senate concurring in the amendments by the House of Commons, to the Resolution in favor of George Williamson, late Sheriff of Caswell county.

Ordered, That said Resolution be enrolled.

A message from the Senate, informing that they do not concur in the amendments of the House of Commons to the bill empowering Courts of Record to change names.

Whereupon, the House of Commons resolved, that they insist on their said amendments.

A message from the Senate, informing that they had passed the bill concerning Vice and Immorality, with an amendment, and asking the concurrence of this House.

The proposed amendment was disagreed to.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of the Roanoke Navigation Company, and asking the concurrence of this House; the said Resolution was read the first time, passed, and, on motion of Mr. Graham, referred to the Committee on Internal Improvements.

Mr. Satterthwaite introduced the following Resolution:

Resolved, That the Committee on Privileges and Elections, be discharged from the further consideration of the Resolutions referred to them, vacating the seats of certain members of this House.

The said Resolution was, on motion of Mr. McNeill, ordered to lie on the table.

The resignations of Asa Farrow, of Hyde, and of William E. Bellamy, of Edgecomb county, Justices of the Peace, were presented, read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The bill concerning Charities, was read the third time, passed, and ordered to be sent to the Senate.

Mr. Moore, from the Committee on the Revised Code, reported the following bills :

A bill to create a fund for the establishment of Common Schools ; a bill providing for the appointment and directing the duties of County Trustees ; and a bill concerning Bills, Bonds and Promissory Notes ; these bills were read the first time and passed.

Mr. J. W. Guinn, from the same Committee, reported the following bills, viz :

A bill concerning Marriage ; a bill concerning Prisoners ; a bill for the prevention of Fraud and Fraudulent Conveyances ; and a bill concerning Estates ; these bills were read the first time and passed.

The bill concerning Legacies, filial portions and distributive shares of Intestates' Estates ; the bill concerning Sheriffs ; the bill concerning Principal and Security ; the bill authorizing Attachments to issue for the recovery of debts, and directing the proceedings thereon ; and the bill concerning Oaths, were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 29, 1836.

The bill to incorporate the Colly Swamp Company in Bladen, was read third time, and, on motion of Mr. Braswell, postponed indefinitely.

Mr. J. W. Guinn, from the Committee of Conference, upon the disagreement of the two Houses, on the Resolution directing the Public Treasurer to receive in payment for Cherokee Lands, certain Bank notes, made a report, which was read and concurred in.

The bill to incorporate the Mutual Insurance Company, of Fayetteville, was read, and, on motion of Mr. Graham, referred to the Committee on Private Bills.

Mr. Hollingsworth presented the petition of certain citizens of Bladen county, praying that a portion of said county be attached to the county of Cumberland.

Said petition was referred, on Mr. Hollingsworth's motion, to the Committee on Propositions and Grievances.

Mr. J. W. Guinn introduced a bill to incorporate the Hiwassee Turnpike Company, and for other purposes; which was read the first time and passed.

Mr. Hawkins, from the Committee on Privileges and Elections, to whom the case of John Clayton was referred, reported that the Committee are unable to decide whether the seat of the said John Clayton is held in violation of the 4th Section of the 4th Article of the amended Constitution of this State; and prayed that the Committee be discharged from the further consideration of the subject.

Said report was read, and, on motion of Mr. Hawkins, laid on the table.

The Resolution in favor of Joseph Welch and others, was read the second time and passed.

On motion of Mr. D. Jordan,

Ordered, That a message be sent to the Senate, proposing that the two Houses vote immediately for two Councillors of State, yet to be elected; and informing that the names of Messrs. Busbee, Perry, McRee, and Ellison, are withdrawn from the nomination.

The bill to amend an act, entitled an act to incorporate the Franklin Turnpike Company, and for other purposes, passed in the year 1835 : and the bill concerning the Superior Courts of Law and Equity in and for the counties of Moore, Montgomery, and Anson, were each read the second time and passed.

The bill concerning the Surplus Revenue, was read, and, on motion of Mr. J. W. Guinn, ordered to lie on the table.

Mr. Hutchison, from the select Committee, to whom was referred the bill prescribing the manner in which the Public Printing shall in future be regulated, reported the same with an amendment : when, on motion of Mr. Graham, the said bill and amendment were postponed till tomorrow.

A message from the Senate, informing that they had passed the engrossed bill concerning Mills and Millers, with amendments, and asking the concurrence of this House. The amendments were further amended by this House, and thus agreed to.

The resignation of Simon Goodwin, a Justice of the Peace of the county of Johnston, received from the Senate, was read and accepted.

On motion, leave of absence was granted to Mr. Speller, from and after this day, until Thursday next.

Mr. Gales presented the petition of Richard W. Ashton, asking compensation for taking care of the Government House and out buildings ; which was, on motion of Mr. Gales, referred to the Committee on Claims.

On motion of Mr. Gilliam,

Ordered, That the amendment proposed by the select Committee to the bill prescribing the manner in which the Public Printing shall in future be regulated, be printed.

The bill authorizing Attachments to issue for the recovery of debts, and directing the proceedings thereon ; the bill concerning Principal and Security ; the bill for limiting the time within which actions may be brought, and for quieting the title to land and slaves, and prescribing the time within which presumption of satisfaction may arise ; the

bill concerning Sheriffs; and the bill concerning Legacies, Filial Portions, and Distributive shares of Intestates' Estates, were each read the third time, passed, and ordered to be sent to the Senate.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. McNeill presented the following Resolution, viz:

Whereas, it is expedient for the despatch of public business, to allow time for the Committees of this House to meet, and especially to give opportunity for the Joint Select Committee on the Surplus Revenue to meet and deliberate on the matters to them referred. Therefore

Resolved, That when this House adjourns this evening, it will adjourn to meet again at 12 o'clock to-morrow.

Said Resolution was, on motion of Mr. Satterthwaite, laid on the table.

Mr. Moore presented, from the Committee on the Revised Statutes, the following bills, viz:

A bill prescribing the disposition of money remaining in the hands of Clerks and Sheriffs a certain time; a bill concerning Registers; a bill concerning Court Houses, Prisons and Stocks, and prescribing the appointment and duties of the Treasurer of Public Buildings; and a bill concerning the appointment and duties of Clerks and Masters in Equity.

These bills were read the first time and passed.

The bill concerning Oaths was read the third time, passed, and ordered to be sent to the Senate.

The bill to create a fund for the establishment of Common Schools; the bill concerning Apprentices; the bill concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation; the bill concerning the Seat of Government and Public Buildings; and the bill concerning the appointment of Guardians, and the

management of Orphans and their Estates—were each read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 30, 1836.

Mr. Farrow presented a Resolution in favor of Edward Stanly, which was read the first time and passed, and, on motion of Mr. Farrow, referred to the Committee on Claims.

Mr. J. W. Guinn introduced the following Resolution, viz :

Resolved, That the Committee on Finance be instructed to enquire into the propriety of making a suitable compensation to the Public Treasurer, for additional labors performed by him in relation to the bonds given for Cherokee Lands, as well as for other extra services ; and that they report by Resolution or otherwise.

Said Resolution was read and adopted.

The resignation of Samuel Wilson, as Major of the 69th Regiment of the Militia, was presented, read, and accepted.

The Resolution in favor of Joseph Welch and others was read the third time, and the question, shall the said bill pass the third reading, was decided in the negative—Yeas 44, Nays 51.

The Yeas and Nays demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Adams, Brummell, Byrd, Cansler, Chambers, Clayton, Clement, Covington, Cox, Crawford, Critz, Dunn, Farrow, Fleming, Gales, Grady, Graham, Granberry, J. W. Guinn, W. Harris, Hartley, Holland, Horton, Howard, Jefferson, E. Jordan, D. Jordan, Kenan, W. B. Lane, Loudermilk, C. H. Matthews, W. J. T. Miller, McAllister, McClennahan, McNeill, McRae, Neale, Patton, Pinkston, Roberts, Smith, Swift, Thomas, Ward—44.

Those who voted in the negative, were :

MESSRS. Averitt, Boon, Braswell, Caldwell, Cotten, Daniel, Davenport, Davis, Gary, George, Gilliam, L. A. Gwyn, W. S. Harris, Hawkins, Henry, Hollingsworth, Hooker, Hoskins, Howerton, Hutchison, Irion, Jarman, Kenyan, L. W. Lane, W. A. Lea, J. F. Lee, Maclin, I. Matthews, Maulsby,

E. P. Miller, Moore, Moye, Nye, J. H. Perkins, A. Perkins, Petty, Pritchard, Rand, Roebuck, Satterthwaite, Simpson, Sloan, Smallwood, Spiers, Stallings, Stockard, Tuton, Walker, R. Whitley, K. Whitley, Williamson—51.

A message from the Senate, proposing that the Legislature adjourn *sine die*, on Monday, the 9th of January next.

Mr. Loudermilk moved that said message be laid on the table. The question thereon was decided in the affirmative—Yeas 53, Nays 48.

The Yeas and Nays demanded by Mr. L. A. Guinn.

Those who voted in the affirmative, were :

MESSRS. Brummell, Byrd, Campbell, Clement, Covington, Cox, Crawford, Davenport, Erwin, Fleming, Gales, Gary, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Hartley, Hill, Horton, Hoskins, Howard, Hutchison, Irion, Jefferson, W. B. Lane, Loudermilk, Maclin, I. Matthews, C. H. Matthews, W. J. T. Miller, Moore, McAlister, McClennahan, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Roberts, Simpson, Smith, Stallings, Stockard, Swift, Tomlinson—53.

Those who voted in the negative, were:

MESSRS. Averitt, Adams, Boon, Braswell, Caldwell, Cansler, Chambers, Clayton, Cotten, Critz, Daniel, Davis, Dunn, Farrow, George, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hawkins, Holland, Hollingsworth, Hooker, Howerton, Jarman, E. Jordan, D. Jordan, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maultsby, E. P. Miller, Moye, Roebuck, Satterthwaite, Sloan, Smallwood, Spiers, Thomas, Taylor, Walker, Ward, Watson, R. Whitley, K. Whitley, Williamson—48.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing to go into an election of two Councillors of State, at 12 o'clock this day; and informing that the name of Archibald McDiarmid is withdrawn from the nomination.

The bill to amend an act, entitled an act to incorporate the Franklin Turnpike Company, and for other purposes; and the bill concerning the Superior Courts of Law and Equity in and for the counties of Moore, Montgomery, and Anson, were each read the third time, passed, and ordered to be engrossed.

The bill to create a Fund for the establishment of Common Schools, was read the third time, passed, and ordered to be sent to the Senate.

A message from the Senate, agreeing to the proposition

of this House, to print the two Acts of the South Carolina Legislature, recently transmitted to His Excellency, the Governor.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Rock Fish Manufacturing Company of Fayetteville, with amendments; and asking the concurrence of this House. The amendments were read and agreed to.

Mr. Rayner submitted the following Resolutions:|

Whereas, certain citizens of some of the States of this Confederacy, have manifested, and still continue to manifest a disposition to interfere with the rights of Slave property, in the District of Columbia.

And whereas, the Constitution of the United States declares that private property shall not be taken for the public use, without just compensation to the owners—thereby plainly prohibiting its being taken for any other use or purpose whatsoever, without the consent of such owners.

And whereas, the power to raise money by the Federal Government, is granted for well defined and specific objects, and can rightfully and legitimately be applied to no other objects whatever.

And whereas, any interference on the part of Congress with slave property in the District of Columbia, would warrant its interference, on the same principles, in any of the Slave-holding States—since the citizens of that territory hold their slaves by the same Constitutional guaranty, and by the same sacred tenure, as those of any other section of the Union.

And whereas, although Congress has exclusive legislative authority in the said District, yet it is subject to all the limitations and restrictions imposed by the Constitution, and is equally prohibited from the exercise of arbitrary power, as when legislating for the whole Union.

And whereas, a calm and dispassionate declaration of the views of this Legislature may, by a timely warning to our Northern brethren, have a salutary effect in placing before them the inevitable consequences of the Abolition of Slavery in the District of Columbia.

We, in the name and in behalf of the good people of this State, do resolve as follows :

Resolved by the Senate and House of Commons of the Legislature of North Carolina, in General Assembly convened, That we cherish a warm and devoted attachment to the Union of these States, and do, therefore, deprecate the measures of the Northern Abolitionists, as tending to weaken its bonds, and to produce a state of sectional disaffection ; which, if not checked, must inevitably end in disunion.

2. *Resolved,* That the General Government cannot, any more than the State Governments, take the property of any citizen without his own consent, except for the public use, and then, only, upon making compensation to such owner or owners.

3. *Resolved,* That the citizens of the District of Columbia are as completely and fully entitled to the protection of that clause in the Constitution, which declares that "No person shall be deprived of life, liberty, or property, without due process of Law ; nor shall private property be taken for public use, without just compensation, as any other portion of the people of this Confederacy ;" and that the liberation of their Slaves, without their free and voluntary consent, would be a palpable violation of the plain letter, and obvious spirit of the Constitution—an act of arbitrary power, and a tyrannical interference with the rights of property—dangerous to our liberties, and subversive of the fundamental principles of free Government.

4. *Resolved,* That the Congress of the United States have no right to appropriate one cent either to liberate Slaves, or to colonize free persons of color—no such power being delegated to them, nor the exercise of any such being necessary to carry into execution, any delegated power ; and that any appropriation to purchase the Slaves in the District of Columbia, for the purpose of liberating them, would be a gross and dangerous usurpation of power.

5. *Resolved,* That the Abolition of Slavery in the District of Columbia, would be establishing a principle which would equally justify Congress in abolishing it in the States, and that this State will regard any such Legislation as an evidence that the Federal Government has become, instead of an instrument of good, such an engine of mischief and oppression, as will justify her in taking such steps for her own security and self preservation, as she may deem most appropriate to those ends.

6. *Resolved*, That the Constitution of the United States in declaring that Congress shall pass no law abridging the right of the people, peaceably to assemble and petition the Government for a redress of grievances, imposes no obligation on that body, either to receive or consider petitions calling upon them to pass laws which are in violation of the Constitution, or which may be highly detrimental to the public interest.

7. *Resolved*, That his Excellency, the Governor, be requested to transmit a copy of these Resolutions to each of the Senators and Representatives from this State, in the Congress of the United States, with a request that they present them to the bodies to which they respectively belong, and endeavor to have them spread upon the Journals of the same as the solemn Protest of this State against the power of the General Government, to abolish Slavery in the District of Columbia.

8. *Resolved*, That the Governor be also requested to transmit a copy of these Resolutions, to the Executive of each of the States of this Confederacy, with a request that they be submitted to their respective Legislatures.

The foregoing Resolutions were read, and, on motion of Mr. Maclin, postponed until Friday next, and made the order of the day for that day, and ordered to be printed.

Mr. L. A. Gwyn submitted the following Resolution, viz :

Resolved, That a message be sent to the Senate, proposing that the two Houses of this General Assembly adjourn *sine die* on Saturday, the 14th day of January 1837, and that the Clerks of the two Houses make up their estimates accordingly.

The question on the adoption of this Resolution, was decided in the affirmative, Yeas 57, Nays 44.

The Yeas and Nays demanded by Mr. W. A. Lea.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Boon, Braswell, Caldwell, Calloway, Cansler, Chambers, Clayton, Coor, Cotten, Covington, Critz, Davenport, Davis, Dunn, Farrow, Gary, J. W. Guinn, L. A. Guinn, W. Harris, Hartley, Henry, Holland, Hollingsworth, Hooker, Horton, Howerton, Hutchison, Irion, Jarman, D. Jordan, Kenan, Kenyan, I. W. Lane, W. A. Lea, Marshall, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moye, McNeill, Neale, Nye, Patton, Roebuck, Simpson, Sloan, Spiers, Tomlinson, Tuton, Walker, Ward, Watson, R. Whiteley, K. Whitley, Williamson—57.

Those who voted in the negative, were :

MESSRS. Brummell, Campbell, Cox, Crawford, Daniel, Erwin, Fleming,

Gales, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, Hawkins, Hill, Howard, Jefferson, E. Jordan, Judkins, W. B. Lane, J. F. Lee, Loudermilk, Maclin, I. Matthews, Maultsby, Moore, McAllister, McRae, J. H. Perkins, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Roberts, Satterthwaite, Smallwood, Smith, Stallings, Stockard, Swift—44.

The bill concerning the Seat of Government and Public Buildings, and the bill concerning Apprentices, were each read the third time and passed, and ordered to be sent to the Senate.

The bill concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation, was read the third time, and the question, shall the said bill pass the third reading, was decided in the affirmative—Yeas 82, Nays 10.

The Yeas and Nays called for by Mr. Adams.

Those who voted in the affirmative, were :

MESSRS. Averitt, Brummell, Byrd, Campbell, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Daniel, Davenport, Davis, Dunn, Farrow, Fleming, Gales, Gary, George, Gillespie, Gilliam, Graham, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hutchison, Jarman, E. Jordan, D. Jordan, Judkins, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Marshall, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McAllister, McClennahan, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Petty, Pinkston, Pritchard, Rand, Rayner, Roebuck, Roberts, Satterthwaite, Sloan, Smallwood, Smith, Stallings, Stockard, Tomlinson, Tuton, Ward, Watson, R. Whitley, K. Whitley—82.

Those who voted in the negative, were:

MESSRS. Adams, Boon, Braswell, Caldwell, Calloway, Cotten, Guthrie, Howerton, Irion, Simpson—10.

Ordered, That said bill be transmitted to the Senate.

Received from his Excellency, the Governor, by his Private Secretary, a communication transmitting an exposition of the Acts of the South-Carolina Legislature, amending the Charter, and conferring Banking Privileges on the Louisville, Cincinnati and Charleston Rail Road Company, by Col. C. G. Memminger, Commissioner from South-Carolina.

Ordered, on motion of Mr. Hoke, that the documents be transmitted to the Senate, with a proposition that they be printed for the use of the Assembly.

The bill concerning Entries and Grants of Land, was,

on motion of Mr. Moore, made the Order of the day for Monday next.

The bill prescribing the manner in which the Public Printing shall in future be regulated, was read the second time, amended, on motion of Mr. Gales, and passed.

Resolved, on motion of Mr. Granberry, that a message be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, from the first Judicial Circuit, to enquire into the expediency of altering the time of holding the Superior and County Courts, and that they be authorized to report by bill or otherwise.

The resignations of David Ramsay, as Col. of the 1st Regiment, and of Isaac McCurdy, as Lient. Col. of 2d Regiment of the Militia of Iredell county, and of Wilson D. Webb, as a Justice of the Peace of Franklin county, were presented, read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The House assembled this afternoon, and after passing upon sundry recommendations of Justices of the Peace, for the several counties, adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 31, 1836.

Mr. Hill, from the Committee appointed for that purpose, reported that the Governor elect would, at 12 o'clock this day, attend in the House of Commons, to take the Oaths of Office. =

Mr. D. Jordan, from the Committee on Propositions and Grievances, reported a bill to emancipate Tom, a slave. The said bill was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Resolution referred to them, relating to the alteration of the Road Laws, and prayed to

be discharged from the further consideration of the subject. The report was concurred in.

Mr. Moore, from the same Committee, reported unfavorably on the engrossed bill to amend an Act passed in 1830, entitled an Act to authorize the appointment of a Commissioner to take the acknowledgement and proof of Deeds; when said bill was, on Mr. Moore's motion, indefinitely postponed.

A message from the Senate, proposing that a Committee of two on the part of each House, be appointed, to ascertain whether it be necessary to appoint one or more additional Engrossing Clerks.

The proposition was agreed to, and Messrs. Hutchison and Braswell appointed the Committee on behalf of the Commons.

A message from the Senate, concurring in the report of the Committee of Conference upon the disagreeing votes of the two Houses, on the engrossed Resolution directing the Public Treasurer to receive in payment for Cherokee Lands, certain Notes of the Banks of Virginia, South-Carolina and Georgia.

A message from the Senate, receding from their amendments to the Revised bill No. 57, concerning Vice and Immorality.

A message from the Senate, concurring in the amendments of this House to the engrossed bill to amend an Act entitled an Act for the more uniform and convenient administration of Justice within this State, passed in the year 1806.

Ordered, That said bill be enrolled.

A message from the Senate, receding from their disagreement to the amendments of this House to the bill empowering Courts of Record to change names.

Ordered, That said bill be enrolled.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the petition of the County Court of Chowan, in relation to increasing Registers' fees, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Moore, from the same Committee, to whom was referred, on the 30th ult. a Resolution in relation to the vacating of Grants, reported against the expediency of legislating on the subject at this time; and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Moore, from the same Committee, reported the bill giving to the County Courts authority to abolish the Offices of County Trustee and Treasurer of Public Buildings, without amendment; when said bill was postponed indefinitely.

Mr. Moore, from the same Committee, to whom was referred the Resolution of the 14th instant, in regard to the holding of elections for Public Officers at the same time in the several counties of the State, reported against the expediency of legislating in the manner proposed; and asked to be discharged from the further consideration of the subject. The report was agreed to.

Mr. Satterthwaite moved that the House do reconsider their vote of yesterday, by which the Resolution in favor of Joseph Welch and others, was rejected. The question thereon, was decided in the negative—Yeas 40, Nays 53. The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Adams, Boon, Brummell, Byrd, Calloway, Cansler, Clement, Coor, Covington, Cox, Crawford, Critz, Erwin, Farrow, Fleming, Gales, Grady, J. W. Guinn, W. Harris, Hill, Holland, Horton, Howard, Jefferson, E. Jordan, D. Jordan, W. B. Lane, Lindsay, W. J. T. Miller, McNeill, McRae, Neale, Nye, Patton, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Swift, 40.

Those who voted in the negative, were :

MESSRS. Averitt, Braswell, Caldwell, Chambers, Cotten, Daniel, Davenport, Davis, Dunn, Gary, George, Gilliam, L. A. Guinn, W. S. Harris, Hawkins, Henry, Hoke, Hollingsworth, Hooker, Hoskins, Howerton, Hutchison, Jarman, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Marshall, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, Moore, Moye, McClennahan, J. H. Perkins, A. Perkins, Rand, Rayner, Roebuck, Sloan, Spiers, Stallings, Stockard, Tomlinson, Tuton, Ward, Watson, R. Whitley, K. Whitley—53.

A message from the Senate, agreeing to print the Message of the Governor, together with the exposition of C.

G. Memminger, the Commissioner from South Carolina, of certain Acts of the Assembly of that State.

Received from his Excellency, the Governor, a communication, transmitting, according to law, the Annual Report of the Board for Internal Improvement. Also, a copy of the Annual Report of the Treasurer of the University of North Carolina.

On motion of Mr. Gales,

Ordered, That the communication be sent to the Senate, with a proposition that the message and accompanying Documents, be printed.

The resignation of P. W. Kittrell, as a Trustee of the University of North Carolina, transmitted through his Excellency, the Governor, was read and accepted.

On motion of Mr. Nye,

Resolved, That the Secretary of State be, and he is hereby authorised to deliver to the owners, and their Heirs, Representatives, or Assigns, such old Warrants for Western Lands, as remain on file in his Office, on which no grants have issued—he taking Receipts therefor.

Mr. Clement introduced a bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie. Said bill was read the first time and passed.

The resignation of S. Salyear, as a Justice of the Peace of the county of Currituck, received from the Senate, was read and accepted.

A message was sent to the Senate, informing them of the readiness of this House to receive the Senate, for the purpose of witnessing the qualification of the Governor elect, according to previous arrangements. When, Edward B. Dudley, attended by the joint select Committee heretofore appointed, and the Judges of the Supreme Court, waited upon the General Assembly, both branches being convened in the Commons' Hall, and took and subscribed the Oaths prescribed by law for the qualification of the Governor of the State.

The House, thereupon, adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 2, 1837.

Mr. Moore presented a bill empowering the Halifax and Weldon Rail Road Company, to subscribe their Stock to the Wilmington and Raleigh Rail Road Company; which was read the first time and passed.

A message from the Senate, informing that they do not concur in the amendment of this House to the Revised bill No. 63, viz : To insert after "Windmill," the words "Steam Grist Mill."

On motion, the House agreed to recede from their said amendment.

On motion of Mr. Williamson,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 12 o'clock to-morrow, go into an election for a Judge of the Superior Courts, rendered necessary by the creation of a seventh Judicial Circuit; and informing that Richmond M. Pearson, of Rowan, is nominated for the appointment.

Mr. Smith, from the select Committee, to whom was referred the bill to repeal an act, entitled an act for the better administration of Justice in the county of Haywood, passed in the year 1833, reported the same with an amendment.

The amendment was concurred in, and the bill read the second time and passed.

Mr. Hawkins, from the Committee on Privileges and Elections, to whom were referred Resolutions vacating the seats of Meshack Pinkston and John A. Averitt, made reports of facts. When, on motion of Mr. Hawkins, the same were laid on the table.

Received a message from the Senate, transmitting a communication from Owen Holmes, of New Hanover, addressed to the General Assembly, declining to accept the appointment of Judge of the Superior Courts, recently conferred on him by this Assembly.

A message from the Senate, proposing that an election be held on to-morrow, at 11 o'clock, for a Judge, and at 12 o'clock, for a Solicitor for the 7th Judicial Circuit;

and informing that the name of Richmond M. Pearson is in nomination for Judge, and James W. Guinn for Solicitor.

The proposition was agreed to; and, on motion of Mr. Granberry, the name of Thomas P. Devereux was added to the nomination, for Judge of the Superior Courts.

Mr. Moore, from the Committee on the Revised Code, reported the following bills: A bill concerning Quo Warranto and Mandamus; a bill concerning Forcible Entry and Detainer; a bill concerning the amendment of Process, Pleadings, and other proceedings at Law; and a bill concerning the County Revenue, and County Charges. These bills were read the first time and passed.

The bill concerning Entries and Grants of Land, was read the second time and passed.

Messrs. Chambers, Clement, Fleming, and Henry, were appointed, for the present week, a Committee on Enrolled Bills.

The resignations of William R. White, as Colonel Commandant; and of Elias S. Jenkins, as Lieutenant Colonel of the 38th Regiment of Militia; and of Jas. Biggs, as a Justice of the Peace for the county of Edgecomb, were presented, read and accepted.

Mr. Graham, from the joint select Committee on the Surplus Revenue, made a detailed Report on the various subjects referred to them, together with a bill to appropriate the Public monies, which shall be received by this State under the act of Congress, to regulate the Public Deposites.

The said bill was read the first time and passed, and, on motion of Mr. Crawford,

Ordered, That said Report and bill be printed.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. Moore, from the Committee on the Revised Code, reported a bill concerning Courts of Justice, Practice,

Pleas, and Process ; which was read the first time and passed.

Mr. Watson moved that the House do adjourn till to-morrow morning, 10 o'clock. The question thereon was decided in the negative—Yeas 16, Nays 57.

The Ayes and Noes demanded by Mr. Campbell.

Those who voted in the affirmative, were :

MESSRS. Blount, Byrd, Calloway, Cox, Daniel, Fleming, Gee, Horton, Hoskins, D. Jordan, Judkins, N. J. King, McAnister, McNeill, Simpson, Watson—16.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Boon, Braswell, Campbell, Chambers, Clayton, Clement, Covington, Critz, Davenport, Davis, Dunn, Erwin, Faison, Farrow, Gary, Gillespie, Grady, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Holland, Hollingsworth, Howerton, Jarman, Jefferson, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lea, Lindsay, Marshall, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moye, Neale, J. H. Perkins, Pinkston, Pritchard, Rayner, Roebuck, Satterthwaite, Smith, Spiers, Stallings, Stockard, Ward, R. Whitley, K. Whitley—57.

The bill prescribing the salaries and fees of the several officers of this State was, on motion of Mr. Moore, ordered to lie on the table.

Mr. Moore, from the Committee on the Revised Code, reported the bill for the relief of Insolvent Debtors ; which was read the first time and passed.

Mr. J. W. Guinn, from the same Committee, reported the bill to prohibit the circulation of Bank Notes under the denomination of Five dollars ; which was read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 3, 1837.

Mr. McRae, from the Committee on Internal Improvements, reported the bill to incorporate the Raleigh and Columbia Rail Road Company, without amendment.

The said bill was, on motion of Mr. Guthrie, laid on the table.

A message was sent to the Senate, informing that Messrs. Cansler and Rayner, are appointed the Committee to superintend the election of a Judge of the Superior Courts to be held this day, and that the Commons are now ready to go into said election.

A message from the Senate, informing that Messrs. Cansler and Rayner, form said Committee on their part, and that they are also ready to proceed to said election.

Whereupon, the House proceeded to vote as follows, viz :

FOR RICHMOND M. PEARSON.

MESSRS. Averitt,

Bedford,

Boon,

Brummell,

Byrd,

Campbell,

Caldwell,

Calloway,

Cansler,

Clement,

Coor,

Covington,

Cox,

Crawford,

Critz,

Davenport,

Davis,

Dunn,

Gillespie,

Grady,

J. W. Guinn,

W. S. Harris,

W. Harris,

Hartley,

Hoke,

Holland,

Hollingsworth,

MESSRS. Hooker,

Horton,

Hutchison,

Jefferson,

E. Jordan,

D. Jordan,

Kenyan,

I. W. Lane,

Lindsay,

Loudermilk,

C. H. Matthews,

E. P. Miller,

W. J. T. Miller,

McAllister,

McRae,

Nye,

J. H. Perkins,

Pinkston,

Roberts,

Sloan,

Smith,

Stockard,

Thomas,

Ward,

Watson,

Williamson—53.

FOR THOMAS P. DEVEREUX.

MESSRS. Adams,

Cotten,

Eaton,

Erwin,

Faison,

Farrow,

Fleming,

Gales,

Gary,

Gee,

Gilliam,

Graham,

Granberry,

Haywood

Henry,

Hill,

Hoskins,

MESSRS. Howard,

Howerton,

Kenan,

N. J. King,

Maclin,

I. Matthews,

Maultsby,

Moore,

Neale,

Pritchard,

Rand,

Rayner,

Satterthwaite,

Smallwood,

Stallings,

Swift,

K. Whitley—34.

For Dillon Jordan, jr. Mr. Spiers.

For James T. Morehead, Messrs. Braswell, Irion, W.

A. Lea, Simpson.

For William D. Moseley, Mr. Jarman.

For Michael Hoke, Mr. Roebuck.

For John S. Guthrie, Mr. Chambers.

For John Gilchrist, Mr. Tuton.

For J. R. J. Daniel, Messrs. Judkins, Moye, A. Perkins.

For James M. Hutchison, Messrs. L. A. Gwyn, J. F. Lee.

For Wright C. Stanley, Messrs. Hawkins, R. Whitley.

For David L. Swain, Messrs. Clayton, Patton.

For Edward Hall, Mr. Daniel,

For Francis L. Dancey, Messrs. George, Marshall.

For Patrick H. Winston, Messrs. Guthrie, W. B. Lane, McNeill.

Mr. Cansler, from the Committee appointed to superintend said election, reported that Richmond M. Pearson, had received a majority of the whole number of votes, and that he was duly elected.

The Report was concurred in.

A message from the Senate, informing that Messrs. Moore and Reid form for the present week, their branch of the Committee on enrolled bills.

A message from the Senate, proposing that an election be held this day at 1 o'clock, for two Councillors of State.

Ordered, That the Senate be informed that the name of William S. Ashe, is withdrawn from the nomination, and that of Archibald McDiarmid, is added thereto, and that this House will go into said election as proposed.

Mr. McRae, from the Committee on Internal Improvements, reported the bill to authorize Ebenezer Pettigrew to build a bridge across Scuppernon River, without amendment. Said bill was read the second time and passed.

Mr. Hawkins, from the Committee on Privileges and Elections, made a report on the case of Dillon Jordan, which was on motion of Mr. Hawkins, ordered to lie on the table.

Mr. Moore, from the Committee on the Judiciary, reported the bill authorizing County Courts to settle disputed boundaries between counties, which was read the first time and passed.

Mr. Satterthwaite introduced a bill to encourage the Culture and Manufacture of Silk and Sugar in this State, by granting Incorporation to Associations of individual enterprize and capital formed for that purpose, which was read the first time and passed.

On motion, leave of absence was granted to Mr. Moyer, from and after this day, until Monday next.

Received a message from the Senate, informing that they are now ready to proceed in the election of a Solicitor for the seventh Judicial Circuit, and that Messrs. McCormick and Barnett form their Committee of Superintendence.

Messrs. Rand and Howard were appointed said Committee on behalf of the Commons.

The House thereupon proceeded to vote as follows:

FOR JAMES W. GUINN.

MESSRS. Adams,

Averitt,

Boon,

Braswell,

Brummell,

Byrd,

Caldwell,

Calloway,

Cansler,

Chambers,

Clayton,

Clement,

Coor,

Cotten,

Covington,

Crawford,

Critz,

Daniel,

Davis,

Dunn,

Davenport,

Eaton,

Farrow,

Fleming,

Gales,

Gary,

Gee,

George,

Gillespie,

Gilliam,

Grady,

Guthrie,

L. A. Gwyn,

W. S. Harris,

W. Harris,

Hartley,

Hawkins,

Haywood,

Henry,

Hill,

MESSRS. Irion,

Jarman,

E. Jordan,

D. Jordan,

Judkins,

Kenan,

N. J. King,

Kenyan,

I. W. Lane,

W. A. Lea,

J. F. Lee,

Lindsay,

Loudermilk,

Maclin,

Marshall,

I. Matthews,

C. H. Matthews,

Maultsby,

Moore,

Moye,

McAllister,

McNeill,

McRae,

Neale,

Nye,

A. Perkins,

J. H. Perkins,

Pritchard,

Rand,

Rayner,

Roebuck,

Roberts,

Satterthwaite,

Simpson,

Sloan,

Smallwood,

Smith,

Spiers,

Stallings,

Stockard,

Hoke,	Thomas,
Holland,	Tuton,
Hollingsworth,	Ward,
Horton,	Watson,
Hoskins,	R. Whitley,
Howard,	K. Whitley,
Howerton,	Williamson--95.
Hutchison,	

FOR JOHN G. BYNUM.

MESSRS. Bedford,	MESSRS. E. P. Miller,
Jefferson,	W. J. T. Miller.

FOR BURGESS S. GAITHER.

MESSRS. Campbell,	MESSRS. Patton,
Erwin,	Swift,
Faison,	Pinkston.
Graham,	

FOR JOHN S. GUTHRIE.

Messrs. Cox, Granberry, W. B. Lane.

Mr. Rand, from the Committee of Superintendence, reported that James W. Guinn had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

On motion of Mr. McNeill,

Ordered, That a message be sent to the Senate, proposing that an election be held on to-morrow, at 11 o'clock, for a Judge of the Superior Courts, yet remaining to be elected, and informing that the names of Thomas P. Devereux and James T. Morehead are in nomination for the appointment.

A message from the Senate concurring in this proposition, and informing that the names of John D. Toomer, Edward Hall, and Robert R. Heath, are added to the nomination.

Mr. Graham, from the Committee on the Surplus Revenue, reported a bill to amend the Charter of the Bank of the State of North-Carolina, and a bill concerning the Bank of Cape Fear.

These bills were read the first time and passed, and, on motion of Mr. Graham,

Ordered, That they be printed and made the Order of the day for Friday next.

The bill for the distribution of the proceeds of the Public Deposites in the several counties of this State, was, on motion of Mr. Graham, also made the Order of the day for Friday next.

A message from the Senate, informing that Messrs. Fox and Hargraye are appointed a Committee on their part to superintend the election of two Councillors of State.

Ordered, That Messrs. Kenan and Henry form said Committee on the part of the Commons.

The House thereupon proceeded to vote as follows:

FOR CHARLES E. JOHNSTON.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,

MESSRS. Horton,
Hoskins,
Howard,
Jefferson,
E. Jordan,
N. J. King,
W. B. Lane,
Lindsay,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,

J. W. Guinn,
Guthrie,
W. S. Harris,
W. Harris,
Hill,

Stallings,
Swift,
Thomas,
Williamson—57.

FOR ALFRED JONES.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Eaton,
Erwin,
Faison,
Farrow,
Fleming,
Gales,
Gary,
Gec,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,

MESSRS. Hill,
Horton,
Hoskins,
Howard,
Jefferson,
E. Jordan,
N. J. King,
W. B. Lane,
Lindsay,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Swift,
Thomas—53.

FOR FRANCIS L. DANCEY.

MESSRS. Averitt,
Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,

MESSRS. E. Jordan,
Judkins,
Kenan,
Kenyan,
I. W. Lane,
W. A. Lea,

Chambers,
Coor,
Cotten,
Critz,
Daniel,
Davis,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Howerton,
Hutchison,
Irion,
Jarman,

J. F. Lee,
Maclin,
Marshall,
Moye,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smith,
Spiers,
Stallings,
Stockard,
Ward,
R. Whitley,
K. Whitley,
Williamson—54.

FOR ARCHIBALD McDIARMID.

MESSRS. Braswell,
Byrd,
Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Cotten,
Critz,
Dunn,
George,
L. A. Gwyn,
Hartley,
Haywood,
Hoke,
Holland,
Hollingsworth,
Howerton,
Hutchison,

MESSRS. Irion,
D. Jordan,
Judkins,
Kenan,
Kenyan,
W. A. Lea,
Maclin,
McNeill,
Neale,
Nye,
Rand,
Roberts,
Simpson,
Smith,
Stockard,
Tuton,
Ward,
Watson—37.

FOR WILLIAM S. ASHE.

MESSRS. Averitt,

Daniel,

Davis,

Hawkins,

Henry,

Jarman,

I. W. Lane,

J. F. Lee,

Marshall,

MESSRS. Moye,

A. Perkins,

Roebuck,

Sloan,

Spiers,

Tuton,

Watson,

R. Whitley—17.

For James Ellison, Mr. Smallwood.

Mr. Kenan, from the Committee appointed to superintend said election, reported that Charles E. Johnston and Francis L. Dancey, had each received a majority of the whole number of votes, and was duly elected.

The Report was concurred in.

The bill to incorporate the Mutual Insurance Company of Fayetteville, was read the second and third times, passed, and ordered to be engrossed.

Mr. Byrd introduced a petition from sundry individuals in Yancey county, praying a law to be passed to prohibit persons not citizens of Yancey, from driving Stock into said county, for the purpose of grazing:

Said petition was, on motion of Mr. Byrd, referred to the Committee on Propositions and Grievances.

A message from the Senate, concurring in the proposition of this House, to raise a joint Select Committee of five on the part of each House from the first Judicial Circuit, to enquire into the expediency of altering the times of holding the Superior and County Courts in that Circuit, and informing that Messrs. Spruill, Mebane, Lindsay, Skinner and Cowper, compose on their part said Committee.

Ordered, That Messrs. Granberry, Stallings, Rayner, Davenport and Hoskins, form this Committee on behalf of the Commons.

The bill to alter the time of holding elections in the counties of Halifax, Northampton and Martin, was read the second time.

Mr. J. F. Lee moved that said bill be postponed indefinitely.

The question thereon was decided in the negative, Yeas 36, Nays 65.

Those who voted in the affirmative, were :

Messrs. Averitt, Braswell, Byrd, Campbell, Caldwell, Cansler, Chambers, Coor, Daniel, Davis, Dunn, J. W. Guinn, L. A. Gwyn, Henry, Holland, Hollingsworth, Howerton, Hutchison, Irion, Jarman, D. Jordan, Judkins, Kenyan, W. A. Lea, J. F. Lee, Moye, Roebuck, Roberts, Simpson, Sloan, Stallings, Stockard, Tuton, Watson, R. Whitley, K. Whitley—36.

Those who voted in the negative, were :

Messrs. Adams, Boon, Brummell, Calloway, Clayton, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, George, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, N. J. King, W. B. Lane, Lindsay, Maclin, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, Neal, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Rayner, Satterthwaite, Smith, Swift, Thomas, Ward, Williamson—65.

The question then recurring on the passage of the bill the second reading, was decided in the affirmative.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Received a message from the Senate, informing that they had passed the Revised bill No. 4, concerning the Militia of the State, and asking the concurrence of this House. Said bill was read the first time, and passed.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported a bill for the better security of Personal Liberty, and a bill concerning Crimes and Punishments, which were read the first time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 4, 1837.

On motion, Mr. Walker obtained leave of absence from and after this day, for the remainder of the session.

A message from the Senate, proposing to postpone the election of a Judge, until Friday next at 12 o'clock. The proposition was agreed to.

The bill to authorize Ebenezer Pettigrew to build a bridge across Scuppernon River, was read the third time, passed, and ordered to be engrossed.

Mr. Moore introduced a bill to extend the time for paying the purchase money for Entries of Land, which was read the first time and passed.

The bill to erect a new county by the name of Madison, was read the second time, and, on motion of Mr. Coor, postponed indefinitely, Yeas 57, Nays 45.

Those who voted in the affirmative, were :

MESSRS. Averitt, Braswell, Caldwell, Chambers, Coor, Daniel, Davenport, Davis, Dunn, Eaton, Faison, Gee, George, Gilliam, L. A. Gwyn, W. S. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Hollingsworth, Hooker, Hoskins, Howerton, Hutchison, Jarman, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Marshall, I. Matthews, Maulsby, Moore, McAllister, McRae, Neale, Nye, A. Perkins, Pritchard, Rand, Roebuck, Satterthwaite, Sloan, Smallwood, Spiers, Stallings, Swift, Thomas, Tuten, Watson, R. Whitley, K. Whitley—57.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Calloway, Cansler, Clayton, Clement, Cotten, Covington, Cox, Crawford, Erwin, Farrow, Fleming, Gales, Gary, Gillespie, Grady, Graham, J. W. Guinn, Guthrie, W. Harris, Holland, Horton, Irion, Jefferson, E. Jordan, D. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, E. P. Miller, W. J. T. Miller, McNeill, Patton, J. H. Perkins, Pinkston, Roberts, Simpson, Smith, Stockard, Ward—45.

A message from the Senate, agreeing to print the Annual Report of the Board of Internal Improvements, and the Annual Report of the Treasurer of the University of North Carolina.

A message from the Senate, informing that they had passed the engrossed bill to amend the Charter of the Cape Fear, Yadkin, and Pedee Rail Road Company, with sundry amendments. The amendments were read and concurred in.

Mr. Pritchard introduced a Resolution in favor of William Merry, Sheriff of Camden county ; which was read the first time and passed, and, on motion of Mr. Pritchard, referred to the Committee on Claims.

A message from the Senate, informing that they had passed the engrossed bill to amend the several acts of the General Assembly, prescribing the time to pay for Entries of land in this State, and asking the concurrence of this House.

The said bill was read the first and second times, passed, and, on motion of Mr. Byrd, referred to the Committee on the Judiciary.

On motion of Mr. Moore,

Resolved, That the Committee on the Library be instructed to enquire what copies of the Laws of Congress, and of the different States of the United States, it is expedient for this State to possess ; and that said Committee report a Resolution authorizing the Secretary of State, to purchase such as, in their opinion, ought to be procured.

A message from the Senate, proposing to go into an election, this day at 12 o'clock, of a Secretary of State, and informing that William Hill is in nomination for the office.

The message was, on motion of Mr. Graham, laid on the table.

A message from the Senate, informing that they had passed the Revised bill concerning Sheriffs, with amendments ; and asking the concurrence of this House. The amendments were agreed to.

The bill to emancipate Tom, a Slave, was read, and, on motion of Mr. Erwin, indefinitely postponed.

The Resolution concerning old Military Land Warrants, was read the second and third times, passed, and ordered to be engrossed.

The bill supplemental to an act passed at the present General Assembly, entitled an act to lay off the county of Davie, was read the second and third times, passed, and ordered to be engrossed.

The bill prescribing the manner in which the Public Printing shall in future be regulated, was read the third time, passed, and ordered to be engrossed.

The bill authorizing County Courts to settle disputed

boundaries between counties, was read the second time and passed.

The bill to regulate the manner of receiving lists of taxable property, was read, and, on motion of Mr. Guthrie, laid on the table.

Mr. Graham introduced a bill to amend an Act authorizing the Entry of the unsurveyed lands in Haywood and Macon counties ; which was read the first time and passed.

Mr. D. Jordan, from the Committee on Propositions and Grievances, reported the bill to regulate the Courts of Pleas and Quarter Sessions in the county of Ashe, without amendment. Said bill was read the second and third time, passed, and ordered to be engrossed.

Mr. D. Jordan, from the same Committee, reported a bill to alter the dividing line between the counties of Bladen and Cumberland ; which was read the first time and passed.

Mr. Hollingsworth introduced a bill concerning costs in cases of acquittal ; which was read the first time and passed.

The bill to alter the time of holding elections in the counties of Halifax, Northampton, and Martin ; the bill to repeal an Act, entitled an act for the better administration of justice in the county of Haywood, passed in the year 1833, were each read the third time, passed, and ordered to be engrossed.

The bill empowering the Halifax and Milton Rail Road Company to subscribe their Stock to the Wilmington and Raleigh Rail Road Company, was read the second time and passed.

The bill concerning the appointment of Guardians, and the management of Orphans and their Estates, was read the third time, passed, and ordered to be transmitted to the Senate.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The bill concerning Entries and Grants of Land, was read the third time, passed, and ordered to be sent to the Senate.

The bill providing for the appointment and directing the duties of County Trustees; the bill for the prevention of fraud and fraudulent conveyances; and the bill to prohibit the circulation of Bank Notes under Five Dollars—were each read the second and third times, passed, and ordered to be sent to the Senate.

The bill concerning Registers was read the second and third times, amended, and passed, and ordered to be sent to the Senate.

The bill concerning Estates, and the bill concerning Bills, Bonds and Promissory Notes, were each read the second and third times, passed, and ordered to be sent to the Senate.

The bill for the better security of personal liberty, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 5, 1837.

On motion, leave of absence from the service of the House, from and after Saturday next, for the remainder of the session, was granted to Mr. Sloan; and from and after Monday next, to Mr. Braswell.

A message from the Senate, agreeing to the proposition of this House, to adjourn *sine die*, on the 14th inst.

Mr. Smith presented a memorial from certain citizens of Haywood county, in behalf of the Cherokee Indians residing in said county; which was read, and, on motion of Mr. Smith, referred to the Committee on Propositions and Grievances.

Received a message from the Senate, informing that they had unanimously adopted the following Resolutions, and asking the concurrence of this House:

“Whereas, The Senate has learned with deep regret the death of George W. Montgomery, Senator from the county of Hertford: Be it therefore

Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a joint select Committee of four from each House, whose duty it shall be to superintend the Funeral ceremonies.

Resolved, That in testimony of the high respect which this body entertains for the virtues of the deceased, they will wear the usual badge of mourning, thirty days.”

The Resolutions were read and unanimously adopted, and Messrs. Gales, Rayner, Stallings and Hoskins appointed the Committee on behalf of the Commons.

Whereupon, on motion of Mr. Graham, the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 6, 1837.

The resignation of David H. Bryan, as a Justice of the Peace of the county of Johnston, was presented, read and accepted.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that the two Houses, at 11 o'clock this day, go into an election for a Solicitor of the sixth Judicial Circuit, and informing that the names of Thomas W. Wilson and James R. Dodge are in nomination for the appointment.

The resignation of Zebulon Morris, as Lieut. Col. of the 69th Regiment of Militia, was presented, read and accepted.

Mr. Smith presented a Resolution in favor of the Oconalufty Turnpike Company; which was read the first time and passed.

The bill concerning the action of Replevin was read the third time, passed, and ordered to be sent to the Senate.

A message from the Senate, agreeing to vote this day, at 11 o'clock, for a Solicitor of the sixth Judicial Circuit, and informing that Messrs. Kerr and Reding form their Committee of Superintendence.

Ordered, That Messrs. Hutchison and Williamson superintend said election on behalf of the Commons.

Whereupon, the House proceeded to vote as follows, viz:

FOR JAMES R. DODGE.

MESSRS. Adams,
Bedford,
Blount,
Brummell,
Campbell,
Calloway,
Clayton,
Clement,
Covington,
Cox,
Crawford,
Davenport,
Eaton,
Faison,
Farrow,
Fleming,
Gales,
Gary,
Gee,
George,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,

MESSRS. Horton,
Hoskins,
Howard,
Howerton,
Jefferson,
E. Jordan,
Kenan,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
Maclin,
I. Matthews,
C. H. Matthews,
Maulsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Swift,
Williamson—56.

FOR THOMAS W. WILSON.

MESSRS. Averitt,
Boon,

MESSRS. Kenyan,
I. W. Lane,

Braswell,
Byrd,
Caldwell,
Cansler,
Chambers,
Coor,
Cotten,
Daniel,
Davis,
Dunn,
Erwin,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Henry,
Hoke,
Holland,
Hollingsworth,
Hooker,
Hutchison,
Irion,
Jarman,
D. Jordan,
Judkins,

W. A. Lea,
J. F. Lee,
Marshall,
McAllister,
McNeill,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Sloan,
Smallwood,
Smith,
Spiers,
Stallings,
Stockard,
Thomas,
Tomlinson,
Tuton,
Ward,
Watson,
R. Whitley,
K. Whitley—55.

FOR JAMES W. OSBORNE—Mr. James A. King.

Mr. Williamson, from the Committee of Superintendence, reported that James R. Dodge had received a majority of the whole number of votes, and that he was duly elected. The report was concurred in.

Mr. Graham introduced a Resolution concerning the Office of Public Treasurer; which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. W. B. Lane introduced a Resolution in favor of George Hoover, Sheriff of Randolph county; which was read the first time and passed, and, on motion of Mr. Lane, referred to the Committee on Claims.

Mr. Graham, from the Committee on the Judiciary, reported the engrossed bill to amend the several Acts of the General Assembly, prescribing the time to pay for Entries of Land, with an amendment.

The amendment was agreed to, and the said bill read the third time and passed.

Ordered, That the concurrence of the Senate be asked therein.

On motion, leave of absence from the service of the House, from and after to-morrow, for the residue of the session, was granted to Messrs. Davis and Jarman.

Ordered, That the Senate be informed that Messrs. Smith and N. J. King form, on behalf of the Commons, the Committee to superintend the election of a Judge of the Superior Courts of Law and Equity.

A message from the Senate, informing that Messrs. Moseley and Skinner form said Committee on their part.

Whereupon, the House proceeded to vote as follows:

FOR THOMAS P. DEVEREUX.

MESSRS. Erwin,
Faison,
Fleming,
Gales,
Gilliam,
Granberry,

MESSRS. Haywood,
Hoskins,
J. A. King,
Moore,
Rand,
Williamson—12.

FOR JOHN D. TOOMER.

MESSRS. Campbell,
Cansler,
Clayton,
Cotten,
Crawford,
Gillespie,
Grady,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Hoke,
Hollingsworth,
Howard,
E. Jordan,

MESSRS. D. Jordan,
Kenan,
Maultsby,
W. J. T. Miller,
McAllister,
McClennahan,
McNeill,
McRae,
Patton,
Pritchard,
Rayner,
Swift,
Thomas,
Tuton,
Ward—30.

FOR JAMES T. MOREHEAD.

MESSRS. Adams,
Boon,
Braswell,
Brummell,
Byrd,
Clement,
Covington,
Cox,
George,
Graham,
J. W. Guinn,

MESSRS. L. A. Gwyn,
N. J. King,
W. A. Lea,
Lindsay,
C. H. Matthews,
Nye,
Pinkston,
Satterthwaite,
Simpson,
Smallwood,
Stockard—22.

FOR ROBERT R. HEATH.

MESSRS. Averitt,
Calloway,
Chambers,
Coor,
Daniel,
Davenport,
Davis,
Dunn,
Farrow,
Hartley,
Henry,
Holland,
Hooker,
Hutchison,
Irion,
Jarman,
Jefferson,
Kenyan,

MESSRS. I. W. Lane,
J. F. Lee,
Marshall,
E. P. Miller,
Neale,
J. H. Perkins,
A. Perkins,
Roebuck,
Roberts,
Sloan,
Spiers,
Stallings,
Tomlinson,
Watson,
R. Whitley,
K. Whitley,
Blount—35.

FOR EDWARD HALL.

MESSRS. Bedford,
Caldwell,
Eaton,
Gary,
Gee,
Hawkins,
Horton,

Howerton,
Judkins,
W. B. Lane,
Loudermilk,
Maclin,
I. Matthews—15.

Mr. N. J. King, from the Committee appointed to superintend said election of a Judge, reported that no one had received a majority of the whole number of votes, and that there was no election.

The Report was concurred in.

On motion of Mr. Gilliam,

Ordered, That a message be sent to the Senate, proposing that another vote be had immediately for a Judge of the Superior Courts, and informing that the name of Thomas P. Devereux is withdrawn from the nomination.

A message from the Senate, agreeing to this proposition, and informing that the name of Edward Hall is withdrawn from the nomination, and that Messrs. Hargrave and Reid, form their branch of the Committee of superintendence.

Ordered, That Messrs. Byrd and Hollingsworth, superintend said election on the part of the Commons.

The House, thereupon, proceeded to vote as follows :

FOR ROBERT R. HEATH.

MESSRS. Averitt,

Blount,

Caldwell,

Calloway,

Cansler,

Chambers,

Clayton,

Coor,

Daniel,

Davenport,

Davis,

Dunn,

Farrow,

Granberry,

Harley,

Haywood,

Henry,

Holland,

Hooker,

Howerton,

Hutchison,

Jarman,

MESSRS. Judkins,

Kenyan,

I. W. Lane,

J. F. Lee,

Maclin,

Marshall,

Neale,

J. H. Perkins,

A. Perkins,

Roebuck,

Roberts,

Satterthwaite,

Sloan,

Spiers,

Stallings,

Stockard,

Tomlinson,

Tuton,

Ward,

Watson,

R. Whitley,

K. Whitley—44.

FOR JOHN D. TOOMER.

Messrs. Bedford,	Messrs. Howard,
Cotten,	E. Jordan,
Crawford,	D. Jordan,
Campbell,	Kenan,
Erwin,	J. A. King,
Faison,	Loudermilk,
Fleming,	Maultsby,
Gales,	E. P. Miller,
Gary,	W. J. T. Miller,
Gillespie,	Moore,
Gilliam,	McAllister,
Grady,	McClellanahan,
Graham,	McNeill,
Guthrie,	McRae,
W. S. Harris,	Patton,
W. Harris,	Pritchard,
Hoke,	Rand,
Hollingsworth,	Rayner,
Horton,	Thomas,
Hoskins,	Williamson—40.

FOR JAMES T. MOREHEAD.

Messrs. Adams,	Messrs. Irion,
Boon,	Jefferson,
Braswell,	N. J. King,
Brummell,	W. B. Lane,
Byrd,	W. A. Lea,
Clement,	Lindsay,
Covington,	C. H. Matthews,
Cox,	Nye,
Eaton,	Pinkston,
Gee,	Simpson,
George,	Smallwood,
J. W. Guinn,	Smith—25.
L. A. Gwyn,	

For Edward Hall, Messrs. Hawkins and I. Matthews.

Mr. Byrd, from the Committee appointed to superintend said election, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that the two Houses again vote immediately for a Judge of the Superior Courts.

Mr. Moore, from the Committee on the Revised Statutes, reported a bill concerning Widows; Mr. Graham a bill concerning Executors and Administrators; and Mr. J. W. Guinn, a bill concerning proceedings in Criminal Cases; and a bill concerning Boats, Canoes, and Pettiaugers. These bills were read the first time and passed.

Mr. Adams presented a bill to incorporate the Town of Greensborough, in Guilford county; which was read the first time and passed.

A message from the Senate, proposing to go into an election, to-day, at 12 o'clock, for Secretary of State.

Ordered, on motion of Mr. Graham, that said message lie on the table.

Mr. Byrd asked and obtained leave to withdraw from the consideration of the House, a bill for the distribution of the proceeds of the Public Deposites among the several counties.

The Orders of the day were, on motion of Mr. Graham, postponed until to-morrow.

The resignation of John Shamberger, as a Justice of the Peace for the county of Moore, was presented, read, and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The House met in pursuance of adjournment, when Mr. Maultsby moved that the House adjourn until to-morrow morning, 10 o'clock. The question thereon was decided in the negative—Yeas 11, Nays 52.

Those who voted in the affirmative, were :

MESSRS. Adams, Caldwell, Cansler, Cox, Fleming, Grady, N. J. King, Maclin, Maultsby, McNeill, Smallwood—11.

Those who voted in the negative, were :

MESSRS. Averitt, Bedford, Boon, Braswell, Campbell, Calloway, Clayton, Coor, Covington, Crawford, Daniel, Davenport, Davis, Dunn, Farrow, Gee, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Henry, Holland, Hollingsworth, Horton, Hoskins, Howerton, Hutchison, Irion, Jefferson, E. Jordan, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, E. P. Miller, W. J. T. Miller, Moore, Neale, Nye, J. H. Perkins, A. Perkins, Pinkston, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Ward—52.

The bill concerning Marriage; the bill concerning Court Houses, Prisons and Stocks, and prescribing the appointment and duties of the Treasurer of Public Buildings; and the bill concerning Boats, Canoes and Pettiaugers—were each read the second and third times, passed, and ordered to be sent to the Senate.

The bill concerning Prisoners was read the second time and passed.

Mr. Loudermilk moved that the House adjourn until to-morrow morning, 10 o'clock.

The question thereon was decided in the negative—Yeas 25, Nays 52.

The Yeas and Nays demanded by Mr. Maultsby.

Those who voted in the affirmative, were :

MESSRS. Blount, Campbell, Canslet, Clement, Covington, Cox, Fleming, Gary, Gee, Gillespie, Grady, J. W. Guinn, Hoke, Hoskins, N. J. King, W. B. Lane, Loudermilk, Maultsby, McAllister, McNeill, Rand, Roberts, Smallwood, Smith, Swift—25.

Those who voted in the negative, were:

MESSRS. Adams, Averitt, Bedford, Boon, Braswell, Calloway, Chambers, Clayton, Davenport, Dunn, Eaton, Faison, Farrow, Granberry, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Henry, Holland, Hollingsworth, Horton, Howerton, Irion, Jefferson, E. Jordan, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, Neale, Nye, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Simpson, Spiers, Stallings, Stockard, Tuton, Ward, Watson, R. Whitley K. Whitley—52.

Mr. McNeill moved that the House adjourn until to-morrow morning, 10 o'clock.

The question thereon was decided in the negative—Yeas 29, Nays 49.

The Yeas and Nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were :

MESSRS. Blount, Campbell, Cansler, Clement, Covington, Cox, Crawford,

Fleming, Gary, Gee, Gillespie, Grady, Granberry, J. W. Guinn, W. S. Harris, Hawkins, Hoke, Hoskins, Hutchison, Loudermilk, Marshall, Maultsby, McAllister, McNeill, Nye, Rand, Roberts, Smallwood, Swift—29.

Those who voted in the negative, were :

Messrs. Adams, Averitt, Bedford, Boon, Braswell, Calloway, Chambers, Clayton, Davenport, Dunn, Eaton, Faison, Farrow, L. A. Guinn, W. Harris, Hartley, Henry, Holland, Hollingsworth, Horton, Howerton, Irion, Jefferson, E. Jordan, Kenan, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, E. P. Miller, W. J. T. Miller, Moore, Neale, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Simpson, Smith, Spiers, Stallings, Stockard, Tuton, Ward, Watson, R. Whitley, K. Whitley—49.

The bill prescribing the disposition of money remaining in the hands of Clerks and Sheriffs, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 7, 1837.

Mr. Dunn presented a Resolution concerning the appointment of Militia Officers; which was read, and, on motion of Mr. Holland, laid on the table.

On motion of Mr. Gilliam,

Resolved, That the Committee on Education be instructed to enquire into the expediency of establishing a general system of Free Schools throughout the State.

Mr. Hawkins, from the Committee on Privileges and Elections, made a Report in the case of the contested election of James Calloway; which, on motion of Mr. Satterthwaite, was laid on the table.

On motion of Mr. Hutchison,

Ordered, That a message be sent to the Senate, proposing that an election for a Judge of the Superior Courts of Law and Equity, be held this day at half past 11 o'clock.

Received a message from the Senate concurring in this proposition, and informing that Messrs. Myers and Hussey compose their branch of the Committee of Superintendence.

Ordered, That Messrs. Hoskins and Dunn superintend said election on behalf of the Commons.

Whereupon, the House proceeded to vote as follows,
viz :

FOR ROBERT HEATH.

MESSRS. Averitt,

Blount,

Byrd,

Caldwell,

Calloway,

Cansler,

Chambers.

Coor,

Daniel,

Davenport,

Davis,

Dunn,

Farrow,

Hartley,

Haywood,

Henry,

Hoke,

Holland,

Hooker,

Howerton

Hutchison,

Jarman,

Judkins,

MESSRS. Kenyan,

I. W. Lane,

J. F. Lee,

Maclin,

Marshall,

Neale,

A. Perkins,

Rand,

Roebuck,

Roberts,

Sloan,

Smith,

Spiers,

Stallings,

Stockard.

Tomlinson,

Tuton,

Ward,

Watson,

R. Whitley,

K. Whitley,

Williamson—45.

FOR JOHN D. TOOMER.

MESSRS. Bedford,

Campbell,

Clayton,

Cotten,

Crawford,

Erwin,

Faison,

Fleming,

Gales,

Gary,

Gee,

Gillespie,

Gilliam,

MESSRS. Hoskins,

Jefferson,

E. Jordan,

D. Jordan,

Kenan,

J. A. King,

Loudermilk,

Maultsby,

E. P. Miller,

W. J. T. Miller,

Moore,

McAllister,

McClennahan,

Grady,	McNeill,
Graham,	McRae,
Granberry,	Patton,
Guthrie,	Pritchard,
W. Harris,	Rayner,
Hill,	Swift,
Hollingsworth,	Thomas—40.

FOR JAMES T. MOREHEAD.

MESSRS. Adams,	MESSRS. Irion,
Boon,	N. J. King,
Braswell,	W. B. Lane,
Brummell,	W. A. Lea,
Clement,	Lindsay,
Covington,	C. H. Matthews,
Cox,	Nye,
Eaton,	Pinkston,
J. W. Guinn,	J. H. Perkins,
L. A. Gwyn,	Satterthwaite,
W. S. Harris,	Simpson,
Horton,	Smallwood—24.

For Edward Hall, Messrs. Hawkins, I. Matthews.

Mr. Hoskins, from the Committee of Superintendence, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

On motion of Mr. D. Jordan,

Ordered, That a message be sent to the Senate, proposing to go into said election again immediately.

The bill concerning Costs in cases of acquittal, was read, and, on motion of Mr. Graham, postponed indefinitely, Yeas 61, Nays 34.

The Ayes and Noes demanded by Mr. D. Jordan.

Those who voted in the affirmative, were:

MESSRS. Adams, Bedford, Braswell, Brummell, Campbell, Caldwell, Candler, Clayton, Clement, Covington, Cox, Davenport, Dunn, Erwin, Faison, Farrow, Fleming, Gales, Gee, Gillespie, Grady, Graham, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Henry, Hill, Hoke, Holland, Hooker, Howerton, E. Jordan, Kenyan, I. W. Lane, W. A. Lea, Lindsay, Marshall, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T.

Miller, Moore, McAllister, McClennahan, McRae, Neale, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Simpson, Smith, Stallings, Swift, Thomas—61.

Those who voted in the negative, were :

Messrs. Averitt, Blount, Boon, Calloway, Chambers, Coor, Cotten, Crawford, Gary, Gilliam, Hartley, Hawkins, Hollingsworth, Hutchison, Irion, Jefferson, D. Jordan, Kenan, N. J. King, J. F. Lee, McNeill, Nye, Rand, Roebuck, Roberts, Smallwood, Spiers, Stockard, Tomlinson, Tuton, Ward, Watson R. Whitley, K. Whitley—34.

A message from the Senate, agreeing to vote again immediately for a Judge of the Superior Courts, and informing that James T. Morehead is withdrawn from the nomination, and that Messrs. Marsteller and Bunting are appointed a Committee of superintendence on their part.

Ordered, That Messrs. D. Jordan and Smallwood compose said Committee on behalf of the Commons.

Whereupon, the House proceeded to vote as follows :

FOR JOHN D. TOOMER.

MESSRS. Bedford,
Brummell,
Campbell,
Clayton,
Clement,
Cotten,
Covington,
Cox,
Crawford,
Eaton,
Erwin,
Faison,
Fleming,
Gales,
Gary,
Gee,
Gilliam,
Gillespie,
Grady,
Graham,
Granberry,
Guthrie,
W. Harris,

MESSRS. Hoskins,
Howard,
Jefferson,
E. Jordan,
D. Jordan,
Kenan,
J. A. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McNeill,
McRae,
Patton,
J. H. Perkins,
Pinkston,

W. S. Harris,
Hill,
Hollingsworth,
Horton,

Pritchard,
Rayner,
Swift,
Thomas—54.

FOR ROBERT HEATH.

MESSRS. Averitt,

Blount,

Boon,

Braswell,

Byrd,

Calloway,

Caldwell,

Cansler,

Chambers,

Coor,

Daniel,

Davenport,

Dunn,

Farrow,

J. W. Guinn,

L. A. Gwyn,

Hartley,

Haywood,

Henry,

Hoke,

Holland,

Hooker,

Howerton,

Hutchison,

Irion,

Judkins,

MESSRS. Kenyan,

I. W. Lane,

W. A. Lea,

J. F. Lee,

Maclin,

Marshall,

Neale,

Nye,

A. Perkins,

Rand,

Roebuck,

Roberts,

Simpson,

Smallwood,

Smith,

Spiers,

Stallings,

Stockard,

Tomlinson,

Tuton,

Ward,

Watson,

R. Whitley,

K. Whitley,

Williamson—51.

For James T. Morehead, N. J. King.

For Edward Hall, Mr. Hawkins.

For B. F. Moore, Mr. Adams.

Mr. D. Jordan, from the Committee appointed to superintend the election of a Judge, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Gales,

Ordered, That a message be sent to the Senate, proposing that another vote be taken immediately for a Judge of the Superior Courts.

A message from the Senate, concurring in this proposition, and informing that Messrs. Moyer and Mebane, form their branch of the Committee of Superintendence.

Ordered, That Messrs. J. F. Lee and Kenan form said Committee on behalf of the Commons.

Whereupon, the House proceeded to vote as follows :

FOR JOHN D. TOOMER.

MESSRS. Adams,
Bedford,
Boon,
Brummell,
Campbell,
Clayton,
Clement,
Cotten,
Covington,
Cox.
Crawford,
Eaton,
Erwin,
Faison,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Hollingsworth,
Horton,

MESSRS. Hoskins,
Jefferson,
E. Jordan,
D. Jordan,
Kenan,
J. A. King,
N. J. King,
W. B. Lane,
Lindsay,
Loudermilk,
I. Matthews,
C. H. Matthews,
Maulsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McNeill,
McRae,
Patton,
J. H. Perkins,
Pinkston,
Pritchard,
Rayner,
Swift,
Thomas,
Tuton—57.

FOR ROBERT HEATH.

MESSRS. Averitt,
Blount,
Braswell,
Byrd,

MESSRS. I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,

Caldwell,
Calloway,
Cansler,
Chambers,
Coor,
Daniel,
Davenport,
Dunn,
Farrow,
J. W. Guinn,
L. A. Gwyn,
Hartley,
Haywood,
Henry,
Hoke,
Holland,
Hooker,
Howerton,
Hutchison,
Irion,
Judkins,

Kenyan,
Marshall,
Neale,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Smallwood,
Smith,
Spiers,
Stallings,
Stockard,
Tomlinson,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—49.

For Edward Hall, Mr. Hawkins.

Mr. J. F. Lee, from the Committee of superintendence, reported that John D. Toomer had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill authorizing County Courts to settle disputed boundaries between counties; and the bill empowering the Halifax and Weldon Rail Road Company, to subscribe their Stock to the Wilmington and Raleigh Rail Road Company; and the bill to amend an act authorizing the entry of the unsurveyed lands in the counties of Haywood and Macon, were severally read the third time, passed, and ordered to be engrossed.

The bill concerning Prisoners; and the bill prescribing the disposition of money remaining in the hands of Clerks and Sheriffs, were each read the third time, passed, and ordered to be sent to the Senate.

Received from the Senate a message, transmitting the resignation of the Hon. John R. Donnell, as one of the

Judges of the Superior Courts of Law and Equity. The resignation was read and accepted.

Mr. Byrd introduced a bill for the distribution of the Surplus Revenue and the Literary Fund, among the several counties of this State, and for other purposes; which was read the first time and passed.

The bill to incorporate the town of Greensborough, in Guilford county, was read the second time and passed.

Mr. Graham moved that the House do now proceed to the special Order of the day. The question thereon was determined in the negative.

Mr. Gales moved that the House adjourn until the afternoon at 3 o'clock. The question thereon was decided in the affirmative—Yeas 58, Nays 33.

The Ayes and Noes demanded by Mr. Hoke.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Brummell, Campbell, Calloway, Canster, Clayton, Clement, Cotten, Covington, Crawford, Daniel, Davenport, Erwin, Faison, Fleming, Gales, Gary, Gee, Gillespie, Gilliam, Grady, J. W. Guinn, W. S. Harris, Henry, Holland, Hollingsworth, Hooker, Horton, Jefferson, E. Jordan, Judkins, Kenan, W. B. Lane, I. W. Lane, J. F. Lee, Lindsay, Loudermilk, Marshall, I. Matthews, Maultsby, C. H. Matthews, E. P. Miller, Moore, McAllister, McNeill, McRae, Nye, Patton, J. H. Perkins, A. Perkins, Rand, Rayner, Roberts, Simpson, Smith, Tomlinson, R. Whitley—58.

Those who voted in the negative, were :

MESSRS. Averitt, Boon, Braswell, Byrd, Chambers, Dunn, Graham, Granberry, Guthrie, L. A. Gwyn, W. Harris, Hartley, Hoke, Hoskins, Howerton, Hutchison, Irion, D. Jordan, N. J. King, Kenyan, W. A. Lea, W. J. T. Miller, McClennahan, Neal, Pinkston, Pritchard, Roebuck, Smallwood, Stallings, Stockard, Tuton, Ward, K. Whitley—33.

THREE o'clock, P. M.

The House met in pursuance of adjournment.

The bill concerning Writs of *Quo Warranto* and *Mandamus*, was read the second and third times, passed, and ordered to be sent to the Senate.

The bill concerning proceedings in Criminal Cases, was read the second time and passed.

The Revised bill concerning the Militia was read the second time and amended.

Mr. Faison moved to amend the bill, in the 17th section, by striking out "twice," and inserting "thrice."

The question thereon was decided in the negative—Yeas 31, Nays 48.

The Yeas and Nays demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Blount, Chambers, Crawford, Dunn, Erwin, Faison, Farrow, Guthrie, W. Harris, Hartley, Hawkins, Henry, Holland, Horton, Irion, Jefferson, D. Jordan, Kenan, Kenyan, W. B. Lane, J. F. Lee, Loudermilk, Marshall, E. P. Miller, Neale, J. H. Perkins, Rayner, Roebuck, Smallwood, Stockard, Watson—31.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Boon, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Coor, Covington, Daniel, Davenport, Eaton, Fleming, Gee, Gillespie, Grady, L. A. Guinn, W. S. Harris, Hollingsworth, Hoskins, Hower-ton, E. Jordan, N. J. King, I. W. Lane, W. A. Lea, Lindsay, Maclin, C. H. Matthews, Maultsby, W. J. T. Miller, Moore, McAllister, McNeill, Nye, Pat-ton, Pinkston, Pritchard, Simpson, Smith, Spiers, Stallings, Tuton, Ward, R. Whitley, K. Whitley, Williamson—48.

The question shall the said bill pass the second reading, was decided in the affirmative.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 9, 1837.

Messrs. Rand, Stallings, W. B. Lane, and Farrow, were appointed, for the present week, the Committee on Enrolled Bills.

A message from the Senate, informing that Messrs. Arrington and Hargrave form said Committee on their part.

A message from the Senate, concurring in the amend-ments of this House to the engrossed bill to amend the sev-eral acts of the General Assembly, prescribing the time to pay for Entries of Land.

Ordered, That said bill be enrolled.

A message from the Senate, proposing that the two Houses go into an election, this day at 12 o'clock, for a

Judge of the Superior Courts of Law and Equity, to supply the vacancy occasioned by the resignation of Hon. John R. Donnell, and informing that the names of John L. Bailey and Robt. R. Heath are in nomination for the appointment.

The proposition was agreed to, and the name of Wright C. Stanly added to the nomination.

The bill to lay off and construct a Road from the town of Franklin, in Macon county, across the Nantahala Mountain, to Valley River, and thence to the Georgia line, was read the second time and passed—Yeas 51, Nays 44.

The Yeas and Nays demanded by Mr. Kenyan.

Those who voted in the affirmative, were:

MESSRS. Adams, Bedford, Boon, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Cotten, Covington, Crawford, Critz, Dunn, Erwin, Farrow, Fleming, Gary, Grady, Graham, J. W. Guinn, L. A. Gwyn, W. Harris, Henry, Hoke, Holland, Hutchison, Irion, Jefferson, E. Jordan, D. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, Pinkston, Roberts, Satterthwaite, Simpson, Smith, Ward—51.

Those who voted in the negative, were:

MESSRS. Averitt, Blount, Chambers, Coor, Daniel, Davenport, Faison, Gee, Gillespie, W. S. Harris, Hartley, Hawkins, Hollingsworth, Hooker, Horton, Hoskins, Howerton, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Marshall, Maultsby, E. P. Miller, J. H. Perkins, A. Perkins, Pritchard, Rand, Rayner, Roebuck, Smallwood, Spiers, Stallings, Stockard, Swift, Thomas, Tuton, Watson, R. Whitley, K. Whitley, Neale—44.

The Resolution in favor of the Oconalufty Turnpike Company, was read, and, on motion of Mr. Smith, referred to the Committee on Internal Improvements.

The engrossed bill providing for the election of Public Printer, was read, and, on motion of Mr. J. W. Guinn, laid on the table.

On motion, leave of absence from the service of the House, for the residue of the session, was granted to Mr. Dunn, from and after Thursday next, and to Mr. Marshall, from and after Friday next.

On motion of Mr. Ward,

Ordered, That a message be sent to the Senate, proposing to rescind the joint order for going into an election of Judge of the Superior Courts, at 12 o'clock this day.

A message was received from the Senate, disagreeing to this proposition.

Mr. Graham introduced a bill concerning Brokers—which was read the first, second and third times, passed, and ordered to be engrossed.

The bill to incorporate the Hiwassee Turnpike Company and for other purposes, was read the second time and passed.

The bill to extend the time for paying the purchase money for Entries of Land, was read the second time and passed, and, on motion of Mr. Moore, laid on the table.

The bill to encourage the Culture and Manufacture of Silk and Sugar, was read the second time and passed.

A message from the Senate, informing that Messrs. Dockery and Dobson compose their Committee for superintending the election of a Judge of the Superior Courts.

Messrs. Hartley and Davenport were appointed said Committee on behalf of the Commons.

When the House proceeded to vote as follows :

FOR ROBERT R. HEATH.

MESSRS. Blount,

Byrd,

Calloway,

Cansler,

Chambers,

Critz,

Daniel,

Davenport,

Dunn,

Farrow,

J. W. Guinn,

L. A. Gwyn,

Haywood,

Hoke,

Holland,

Hollingsworth,

Hooker,

Hutchison,

Irion,

D. Jordan,

MESSRS. Kenyan,

W. A. Lea,

J. F. Lee,

Maclin,

E. P. Miller,

McNeill,

Nye,

J. H. Perkins,

A. Perkins,

Rand,

Roebuck,

Roberts,

Smith,

Spiers,

Stallings,

Stockard,

Ward,

Watson,

Williamson,

Tuton—40.

FOR JOHN L. BAILEY.

MESSRS. Adams,

Bedford,

Brummell,

Campbell,

Clayton,

Clement,

Covington,

Cox,

Erwin,

Faison,

Fleming,

Gales,

Gary,

Gee,

Gillespie,

Gilliam,

Grady,

Graham,

Granberry,

Guthrie,

W. S. Harris,

W. Harris,

Hill,

Horton,

MESSRS. Hoskins,

Jefferson,

E. Jordan,

J. A. King,

N. J. King,

W. B. Lane,

Lindsay,

Loudermilk,

C. H. Matthews,

Maultsby,

W. J. T. Miller,

Moore,

McAllister,

McClennahan,

McRae,

Patton,

Pinkston,

Pritchard,

Rayner,

Satterthwaite,

Smallwood,

Swift,

Thomas—47.

FOR WRIGHT C. STANLEY.

MESSRS. Averitt,

Boon,

Coor,

Cotten,

Crawford,

Eaton,

Hartley,

Hawkins,

Henry,

MESSRS. Howerton,

Judkins,

Kenan,

I. W. Lane,

Marshall,

Neale,

Simpson,

R. Whitley,

K. Whitley—18.

Mr. Hartley, from the Committee appointed to superintend said election, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

The bill to incorporate the Town of Greensborough in Guilford county, was read the third time, passed, and ordered to be engrossed.

The bill to alter the dividing line between the counties of Bladen and Cumberland, was read, and, on motion of Mr. Henry, laid on the table.

Mr. Rand presented a bill to incorporate the Town of Rolesville, which was read the first time and passed.

On motion of Mr. Graham, the House now proceeded to the Orders of the day, and resolved itself into a Committee of the whole, Mr. Williamson in the Chair, and took up, for consideration, the bill reported by the select Committee on the Surplus Revenue, entitled a bill to appropriate the public monies, which shall be received by this State, under the act of Congress, to regulate the Public Deposites; the bill to amend the Charter of the Bank of the State of North Carolina; and a bill concerning the Bank of Cape Fear; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the Committee had had the said bills under consideration, and had made progress therein; and had directed him to ask leave to sit again. The report was concurred in, and leave granted as prayed for.

The resignation of Thomas T. Wright, as a Lieutenant Colonel of the 29th Regiment of the Militia; and of Alexander Mebane, as a Justice of the Peace of the county of Orange, were presented, read and accepted.

The House then adjourned until the afternoon, 3 o'clock.

THREE o'clock, P. M.

The House met in pursuance of adjournment.

The bill concerning the amendment of Process, Pleadings, and other proceedings at Law; and the bill concerning the appointment and duties of Clerks and Masters in Equity, were each read the second and third times, passed, and ordered to be sent to the Senate.

The Revised bill for the better security of personal liberty, was read the third time, passed, and ordered to be sent to the Senate.

The bill concerning Forcible Entry and Detainer, was read the second and third time, passed, and ordered to be sent to the Senate.

The bill concerning the Militia, was, on motion of Mr. Hawkins, referred to a select Committee, which consists of Messrs. Hawkins, Faison, and Cansler.

The bill prescribing the salaries and fees of the several Officers of the State, was read the the third time.

Mr. Hoskins moved to strike out the 31st Section of the bill, and insert the following amendment, viz :

“The Registers in each and every county, shall receive the following fees, and no others : For Registering each Deed, or Grant, containing one tract of land, including the Certificate, not less than 40 cents, nor more than 100 cents. If the Deed contain two or more tracts, not less than 40 cents, nor more than 100 cents for the first tract ; and not less than 10, nor more than 20 cents for each and every other, and the like fees for copies. For Registering the acknowledgement and Certificate of a Feme Covert, in the conveyance of lands or other Estate, an additional fee of 25 cents, and the like fees for copies. For Registering Divisions of lands, for each lot or dividend therein described, not less than 10, nor more than 20 cents, and the same fees for copies. For Registering copies of Rectified Errors in Patents or Grants, not less than 40 cents, nor more than 100 cents. For Registering all other instruments of writing, for each instrument, not less than 40, nor more than 100 cents. For every search, 10 cents. And it shall be in the power of the next County Court (a majority of the Justices being present, and unanimously consenting thereto) to establish and regulate the fees of the Register in such county, within the limits above prescribed ; and when the said fees are once so established, they shall not be altered by the Court in one year.”

The question on concurring in this amendment, was decided in the affirmative—Yeas 43, Nays 42.

The Yeas and Nays demanded by Mr. Tomlinson.

Those who voted in the affirmative, were :

MESSRS. Blount, Boon, Campbell, Clayton, Covington, Eaton, Faison, Gary, Gee, Gilliam, Grady, Granberry, L. A. Gwyn, W. Harris, Hartley, Hawkins, Henry, Hoke, Horton, Hoskins, Hutchison, Jefferson, Kenan, N. J. King, W. A. Lea, Lindsay, Maclin, Marshall, C. H. Matthews, W. J. T. Miller, Moore, McAlister, McClennahan, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, Rand, Roebuck, Smallwood, Ward—43.

Those who voted in the negative, were:

MESSRS. Averitt, Adams, Byrd, Calloway, Chambers, Clement, Cotten, Cox, Critz, Daniel, Davenport, Dunn, Fleming, Gillespie, W. S. Harris, Holland, Hollingsworth, Howerton, Irion, D. Jordan, Judkins, Kenyan, I. W. Lane, J. F. Lee, Maulsby, E. P. Miller, A. Perkins, Pinkston, Pritchard, Rayner, Simpson, Spiers, Smith, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley—42.

The said bill as thus amended, passed the third reading, and was ordered to be sent to the Senate.

The Revised bill concerning Courts of Justice, Practice, Pleas and Process, was read the second time ; upon the adoption of the following amendment, reported by the Committee on the Revised Code, viz :

And the said Justices, a majority being present at the first Term of said Courts, which may happen after the first day of January in each and every year, may in their discretion, appoint five of their number to hold said Courts for one year, any three of whom shall have full power and authority to act, and they shall be entitled to receive as a compensation for their services, a sum not exceeding three dollars, nor less than one dollar per day for each and every day they shall hold said Court, which sum shall be fixed by the said Court, a majority of the Justices being present, and shall be paid out of the funds of said county upon the certificate of the Clerk of said Court, showing the number of days each Justice has attended:

Mr. Hawkins demanded the Yeas and Nays, and the question shall the said amendment be adopted, was decided in the affirmative, Yeas 44, Nays 22.

Those who voted in the affirmative, were:

MESSRS. Adams, Averitt, Blount, Boon, Calloway, Clement, Cox, Critz, Faison, Fleming, Gary, Gee, Grady, W. Harris, Hartley, Hoke, Holland, Horton, Hoskins, Hutchison, Kenan, N. J. King, Kenyan, I. W. Lane, J. F. Lee, Lindsay, Marshall, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClen-

nahan, McRae, Neale, Nye, Patton, J.H. Perkins, Pinkston, Rayner, Simpson, Smith, Thomas, Tuton, Ward—44.

Those who voted in the negative, were :

MESSRS. Byrd, Campbell, Chambers, Cotten, Davenport, Daniel, Dunn, Eaton, Gillespie, Granberry, L. A. Gwyn, Hawkins, Henry, W. A. Lea, Pritchard, Rand, Smallwood, Stallings, Stockard, Tomlinson, R. Whitley, K. Whitley—22.

Pending the question on the passage of the bill, the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 10, 1837.

A message from the Senate, proposing to go into an election of a Judge of the Superior Courts, this day, at 11 o'clock.

The proposition was agreed to, and the name of Wright C. Stanly was withdrawn from nomination, and Messrs. Marshall and Boon appointed, on behalf of the Commons, a Committee to superintend said election.

A message from the Senate, informing that Messrs. J. W. Bryan and Spruill compose their branch of said Committee.

The House, thereupon, proceeded to vote as follows :

FOR ROBERT R. HEATH.

MESSRS. Averitt,
Blount,
Calloway,
Cansler,
Chambers,
Coor,
Critz,
Daniel,
Davenport,
Dunn,
George,
J. W. Guinn,
L. A. Gwyn,
Haywood,
Henry,

MESSRS. Judkins,
I. W. Lane,
W. A. Lea,
J. F. Lee,
Maclin,
Marshall,
McNeill,
Nye,
A. Perkins,
Rand,
Roebuck,
Roberts,
Simpson,
Smith,
Spiers,

Hoke,
Holland,
Hollingsworth,
Hooker,
Howerton,
Hutchison,
Irion,
D. Jordan,
Kenan,
Kenyan,

Stallings,
Stockard,
Tomlinson,
Tuton,
Ward,
Watson,
R. Whitley,
K. Whitley,
Williamson—49.

FOR JOHN L. BAILEY.

MESSRS. Adams,

Bedford,

Boon,

Brummell,

Clayton,

Clement,

Covington,

Cox,

Crawford,

Eaton,

Erwin,

Faison,

Fleming,

Gales,

Gary,

Gee,

Gillespie,

Gilliam,

Grady,

Graham,

Granberry,

W. S. Harris,

W. Harris,

Hill,

Horton,

Hoskins,

MESSRS. Howard,

Jefferson,

E. Jordan,

J. A. King,

N. J. King,

W. B. Lane,

Lindsay,

Loudermilk,

I. Matthews,

C. H. Matthews,

Maultsby,

E. P. Miller,

W. J. T. Miller,

Moore,

McAllister,

McClennahan,

McRae,

Patton,

J. H. Perkins,

Pinkston,

Pritchard,

Rayner,

Satterthwaite,

Smallwood,

Swift,

Thomas—52.

For Wright C. Stanly, Messrs. Cotten and Hawkins.

For Charles Shepard, Mr. Hartley.

For John H. Bryan, Mr. Neale.

Mr. Hartley, from the Committee of Superintendence, reported that no one had received a majority of the whole number of votes, and that there was no election.

The Report was concurred in.

On motion, leave of absence was granted for the residue of the session, to Mr. Neale, after Friday; to Mr. Tutton, after Saturday; and to Mr. Kenan, after Thursday next:

On motion of Mr. Hoke, the House again resolved itself into a Committee of the whole, according to the leave yesterday granted, and resumed the consideration of the bills reported by the Joint Select Committee on the Surplus Revenue; and, after some time spent therein, the Speaker resumed the Chair, and Mr. Williamson, the Chairman, reported that the Committee of the whole had made progress in the consideration of the subjects referred to them, but not having had time to complete the same, asked leave to sit again.

The Report was concurred in, and leave granted, as prayed for.

A message from the Senate, proposing that the two Houses go into an election for a Judge of the Superior Courts, to-morrow, at 12 o'clock, and informing that the name of Robt. R. Heath is withdrawn from the nomination, and that of Edward Hall added thereto.

The House then adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

The bill concerning Courts of Justice, Practice, Pleas and Process, was read the second time and passed.

The bill concerning proceedings in Criminal Cases, was read the third time, passed, and ordered to be sent to the Senate.

The bill concerning the Supreme Court; the bill concerning Executors and Administrators; and the bill concerning Deeds and Conveyances of Land and Slaves, Mortgages, and Power of Attorney, their Execution, Probate,

and Registration—were each read the second and third times, passed, and ordered to be sent to the Senate.

The bill concerning Revenue and County Charges, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 11, 1837.

Mr. Rayner, from the Committee on Claims, reported favorably on the Resolution in favor of Edward Stanly—which was read the second and third times, passed, and ordered to be engrossed.

Mr. Rayner, from the same Committee, reported favorably on the Resolutions in favor of George Hoover, Sheriff of Randolph county, and in favor of William Merry, Sheriff of Camden county.

Said Resolutions were read the second and third times, passed, and ordered to be engrossed.

Mr. Rayner, from the same Committee, reported favorably on the Resolution in favor of the Heirs at Law of James McIntyre, deceased, when said Resolution was read the second and third times, passed, and ordered to be engrossed.

Mr. Crawford presented a bill concerning the County of Davie, which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to amend the Charter of the Portsmouth and Roanoke Rail Road Company, and asking the concurrence of this House.

The said bill was read the first and second times, and passed.

Mr. Hollingsworth presented a bill concerning the Fayetteville and Western Rail Road. Mr. L. A. Gwyn moved that said bill be rejected.

The question thereon was decided in the negative, Yeas 15, Nays 26.

The Yeas and Nays demanded by Mr. L. A. Gwyn.

Those who voted in the affirmative were :

MESSRS. Faison, L.A. Gwyn, Hartley, Hawkins, Hooker, Hutchison, Irion, Judkins, W. A. Lca, J. F. Lee, Moye, Roebuck, Stallings, Tomlinson, K. Whitley—15.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Blount, Boon, Braswell, Brummell, Byrd, Campbell, Calloway, Cansler, Chambers, Clayton, Clement, Coor, Covington, Cox, Cotten, Crawford, Critz, Daniel, Davenport, Dunn, Eaton, Erwin, Farrow, Fleming, Gales, Gary, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Howerton, Jefferson, E. Jordan, Kenan, N. J. King, Kenyan, W. B. Lane, I. W. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Stockard, Swift, Thomas, Ward, Watson, R. Whitley, Williamson—86.

Said bill, thereupon, passed the first reading, and, on motion of Mr. Crawford, was referred to the Committee of the Whole, to whom are referred the bill reported by the Committee on the Surplus Revenue.

Ordered, That a message be sent to the Senate, agreeing to go into an election of a Judge of the Superior Courts at 12 o'clock this day, and informing that Messrs. Granberry and Hawkins form, on behalf of the Commons, the Committee of Superintendence.

A message from the Senate, informing that Messrs. Albright and Bunting form said Committee on their part.

Whereupon, the House proceeded to vote as follows:

FOR JOHN L. BAILEY.

MESSRS. Adams,

Bedford,

Boon,

Brummell,

Campbell,

Clayton,

Clement,

Covington,

Cox,

Crawford,

MESSRS. Howard,

E. Jordan,

Jefferson,

J. A. King,

N. J. King,

Kenyan,

W. B. Lane,

Lindsay,

Loudermilk,

I. Matthews,

Erwin,
Faison,
Farrow,
Fleming,
Gales,
Gary,
Gee,
Gillespie,
Gilliam,
Grady,
Graham,
Granberry,
J. W. Guinn,
Guthrie,
W. S. Harris,
W. Harris,
Hill,
Horton,
Hoskins,

C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Swift,
Thomas,
Ward—57.

FOR EDWARD HALL.

MESSRS. Averitt,
Blount,
Byrd,
Cansler,
Coor,
Cotten,
Dunn,
Eaton,
George,
Hawkins,
Haywood,
Hoke,

MESSRS. Holland,
Howerton,
Hutchison,
Jodkins,
Kenan,
I. W. Lane,
W. A. Lea,
Maclin,
Rand,
Roberts,
Stockard,
Williamson—24.

FOR ROBERT R. HEATH.

MESSRS. Critz,
Daniel,
Hooker,
Irion,
Moye,

MESSRS. Roebuck,
Spiers,
Tomlinson,
Watson,
R. Whitley—10.

FOR MICHAEL HOKE.

MESSRS. Chambers,
L. A. Gwyn,
Henry,
Hollingsworth,

MESSRS. J. F. Lee,
Simpson,
Smith—7.

FOR WILLIAM H. HAYWOOD, JR.

MESSRS. Calloway,
McNeill,
Nye,

MESSRS. Stallings,
K. Whitley—5.

For Mr. John H. Bryan, Messrs. Hartley and Neale.

For Mr. R. B. Gilliam, Mr. Tuton.

Mr. Granberry, from the Committee of Superintendence, reported that no one had received a majority of the whole number of votes, and that there was no election.

The Report was concurred in.

On motion, leave of absence from the service of the House, was granted to Mr. D. Jordan after to-day, and to Mr. Caldwell, after Monday last, for the residue of the session.

On motion of Mr. J. A. King,

Ordered. That a message be sent to the Senate, proposing that another vote be immediately taken for a Judge of the Superior Courts.

A message from the Senate concurring in this proposition, and informing that Messrs. Burney and J. Cooper form their Committee of Superintendence.

Ordered. That Messrs. Byrd and Loudermilk superintend said election on behalf of the Commons.

The House then proceeded to vote as follows, viz :

FOR JOHN L. BAILEY.

MESSRS. Adams,
Bedford,
Brummell,
Campbell,
Clayton,
Clement,
Covington,
Cox,

MESSRS. Hoskins,
Jefferson,
E. Jordan,
J. A. King,
N. J. King,
Kenyan,
W. B. Lane,
Lindsay,

Crawford,
Davenport,
Erwin,
Faison,
Farrow,
Fleming,
Gales,
Gary,
Gee,
Gilliam,
Gillespie,
Grady,
Graham,
Granberry,
Guthrie,
J. W. Guinn,
W. S. Harris,
W. Harris,
Hill,
Hollingsworth,
Horton,
Howard,

Loudermilk,
I. Matthews,
C. H. Matthews,
Maultsby,
E. P. Miller,
W. J. T. Miller,
Moore,
McAllister,
McClennahan,
McRae,
Patton,
J. H. Perkins,
A. Perkins,
Pinkston,
Pritchard,
Rayner,
Satterthwaite,
Smallwood,
Smith,
Swift,
Thomas,
K. Whitley—60.

FOR EDWARD HALL.

Messrs. Averitt,
Blount,
Boon,
Byrd,
Calloway,
Cansler,
Coor,
Cotten,
Daniel,
Dunn,
Eaton,
George,
L. A. Gwyn,
Hartley,
Hawkins,
Haywood,
Hoke,

Messrs. Holland,
Hooker,
Howerton,
Hutchison,
Judkins,
Kenan,
I. W. Lane,
W. A. Lea,
Maclin,
Neale,
Nye,
Rand,
Roberts,
Simpson,
Stockard,
Tomlinson,
Williamson—34.

FOR ROBERT R. HEATH.

MESSRS. Critz,
Irion,
Moye,

MESSRS. McNeill,
Watson,
R. Whitley—6.

FOR MICHAEL HOKE.

MESSRS. Chambers.
Marshall,

MESSRS. Roebuck,
Tuton—4.

For Daniel Baker, Mr. Henry.

For James Allen, Mr. J. F. Lee.

For Thomas Hoskins, Mr. Stallings.

Mr. Loudermilk, from the Committee of superintendence, reported that John L. Bailey had received a majority of the whole number of votes, and that he was duly elected. The Report was concurred in.

Mr. Hoke introduced a Resolution authorizing the Governor to make provision for receiving the Surplus Revenue; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Calloway presented a bill concerning the trial of State prosecution, by Justices of the Peace out of Court; and Mr. Henry, a bill concerning the Wilmington and Raleigh Rail Road. These bills were read the first time and passed.

Mr. Hoke introduced sundry Resolutions and Statistics, relating to the Surplus Revenue and other funds of the State; which was read, and, on motion of Mr. Hoke, ordered to be printed and referred to the Committee of the whole, heretofore charged with the consideration of the subject referred to.

Mr. Gilliam, from the Committee on Education, reported unfavorably on the Memorial of the Trustees of the Donalson Academy in Fayetteville, and asked to be discharged from the further consideration of the subject. The Report was agreed to.

The bill to incorporate the Hiwassee Turnpike Company, and for other purposes; and the bill to lay off and construct a road from the town of Franklin, in Macon county, across the Nantahala Mountain, to Valley River, and thence to the Georgia line, were each read the third time, passed, and ordered to be engrossed.

Mr. Graham introduced a bill directing the mode of passing Private Laws ; which was read the first and second time and passed.

The bill to incorporate the town of Rolesville, was read the second time and passed.

The bill to incorporate the Rowan Manufacturing Company, was read the second time and passed ; and, on motion of Mr. Holland, laid on the table.

A message from the Senate, informing that they had passed the engrossed bills to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions ; and to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company ; and asking the concurrence of this House.

The said bills were read the first time and passed ; and, on motion of Mr. Hoke, made the order of the day for tomorrow.

Ordered, on motion of Mr. Hoke, that a select Committee of two Members be appointed, to wait on Col. C. G. Memminger, the Commissioner deputed to this Assembly by the Legislature of South Carolina, and invite him to a seat in this Hall, and inform him that it is the pleasure of the House of Commons, to hear his views on the aforesaid bills, if he desires to present them.

Messrs. Hoke and Williamson form the Committee for this purpose.

The engrossed bill prescribing the mode of surveying and selling the lands of this State, lately acquired by treaty with the Cherokee Indians, was read the first time and passed, and, on motion of Mr. Crawford, made the order of the day for Saturday next.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation for carrying on and completing the Capitol of this State ; and the bill concerning special Magistrates in this State, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the Revised bill concerning the Attorney General and Solicitors, with an amendment; and asking the concurrence of this House. The amendments were read and agreed to.

Mr. Moore, from the Committee on the Revised Statutes, reported a bill concerning Public Roads, Ferries, and Bridges; and Mr. J. W. Guinn, from the same Committee, reported a bill concerning Divorce and Alimony; and a bill concerning last Wills and Testaments. These bills were read the first time and passed.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

The Revised bill concerning County Revenue and County charges, was read the third time, passed, and ordered to be sent to the Senate.

The bill concerning Slaves and Free persons of Color, was read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 12, 1837.

Mr. Rayner, from the Committee on Claims, reported unfavorably on the Resolution in favor of David Fulton; when, on motion of Mr. J. W. Guinn, said Resolution was laid on the table.

Mr. Rayner, from the same Committee, reported unfavorably on the Resolution in favor of Thomas Dickens; when the Resolution was, on Mr. Rayner's motion, indefinitely postponed.

Mr. Rayner, from the same Committee, reported unfavorably on the Resolution in favor of James Cannte; when, on motion of Mr. Rayner, said Resolution was indefinitely postponed.

Mr. Rayner, from the same Committee, to whom was referred the Memorial of Richard W. Ashton, reported a Resolution in his favor, allowing him the sum of fifty-five dollars, as compensation for taking charge of the Government House, and appurtenances for the years 1834, and 1835.

Mr. Gales moved to strike out the words "fifty-five," and insert "two hundred." The question thereon was decided in the negative.

The Ayes and Noes demanded by Mr. Watson.

Those who voted in the affirmative, were :

Messrs. Adams, Clayton, Cotten, Crawford, Daniel, Eaton, Erwin, Farrow, Fleming, Gales, Grady, Howard, E. Jordan, N. J. King, W. B. Lane, Loudermilk, Maclin, E. P. Miller, McClellanahan, Rand—20.

Those who voted in the negative, were :

Messrs. Averitt, Bedford, Boon, Brummell, Byrd, Calloway, Cansler, Chambers, Clement, Coor, Covington, Cox, Critz, Davenport, Dunn, Faison, Gary, Gee, Gillespie, Gilliam, Granberry, J. W. Guinn, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hoke, Holland, Hollingsworth, Hooker, Horton, Howerton, Hutchison, Irion, Jefferson, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, I. Matthews, C. H. Matthews, Maulsby, W. J. T. Miller, Moore, Moye, McNeill, McRae, Neale, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rayner, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stallings, Stockard, Swift, Thomas, Tuton, Ward, Watson, R. Whitley, K. Whitley, Williamson—78.

Mr. Satterthwaite moved that said Resolution be indefinitely postponed. The question thereon was decided in the negative—Yeas 29, Nays 70.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

Messrs. Averitt, Bedford, Boon, Byrd, Calloway, Coor, Covington, Critz, Dunn, L. A. Gwyn, Holland, Hooker, Hutchison, Irion, Jefferson, Kenyan, W. A. Lea, J. F. Lee, Marshall, Nye, A. Perkins, Satterthwaite, Simpson, Stallings, Stockard, Watson, R. Whitley, K. Whitley, Williamson—29,

Those who voted in the negative, were :

Messrs. Adams, Blount, Brummell, Cansler, Chambers, Clayton, Clement, Cotten, Cox, Crawford, Daniel, Davenport, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, George, Gillespie, Gilliam, Grady, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hollingsworth, Horton, Hoskins, Howard, Howerton, Judkins, J. A. King, N. J. King, W. B. Lane, I. W. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McClellanahan, Mc-

Neill, McRae, Neale, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Roebuck, Roberts, Sloan, Smallwood, Smith, Spiers, Swift, Thomas, Ward—70

Mr. Crawford moved to strike out "fifty-five," and insert "one hundred."

The question thereon was decided in the negative—Yeas 30, Nays 70.

The Ayes and Noes demanded by Mr. I. W. Lane.

Those who voted in the affirmative, were :

MESSRS. Adams, Clayton, Cotten, Crawford, Daniel, Eaton, Erwin, Farrow, Gales, Gilliam, Grady, W. S. Harris, W. Harris, Hollingsworth, Hoskins, Howard, E. Jordan, J. A. King, N. J. King, W. B. Lane, Loudermilk, Maclin, E. P. Miller, McClennahan, McRae, J. H. Perkins, Rand, Rayner, Smallwood, Spiers—30.

Those who voted in the negative, were :

MESSRS. Averitt, Bedford, Blount, Boon, Brummell, Byrd, Calloway, Cansler, Chambers, Clement, Coor, Covington, Cox, Critz, Davenport, Dunn, Faison, Fleming, Gary, Gee, George, Gillespie, Granberry, J. W. Guinn, L. A. Gwyn, Hartley, Hawkins, Henry, Holland, Hooker, Horton, Howerton, Hutchison, Irion, Jefferson, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Marshall, I. Matthews, C. H. Matthews, Maulsby, W. J. T. Miller, Moore, Moye, McNeill, Neale, Nye, Patton, A. Perkins, Pinkston, Pritchard, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smith, Stallings, Stockard, Thomas, Tuton, Ward, Watson, R. Whitley, K. Whitley, Williamson—70.

The said Resolution was thereupon, on motion of Mr. Thomas, postponed indefinitely.

On motion of Mr. Satterthwaite,

Ordered, That a message be sent to the Senate, proposing that the Joint Resolution to adjourn *sine die*, on the 14th inst. be rescinded, and that the two Houses adjourn *sine die*, on Wednesday the 18th inst.

On motion of Mr. Moore,

Resolved, That the Speaker of the Senate and the Speaker of the House of Commons be, and they are hereby authorized to employ two competent persons to examine the enrolment of the bills passed by both Houses at the present session of the General Assembly, for re-enacting and amending the Statute Laws of the State, as revised ; and the persons employed shall be paid, not exceeding five dollars per day to each, such sum as may be agreed on by them and the Speakers of the two Houses.

Resolved further, That the Acts aforesaid shall not be ratified until they are examined and certified by the Committee on

Enrolled Bills, and also by the two persons employed under the foregoing Resolution.

On motion of Mr. Hoke, the House now proceeded to the Orders of the day, and resolved itself into a Committee of the whole, Mr. Hoskins in the Chair, and took up, for consideration, the bill to amend the Charter of the Louisville, Cincinnati and Charleston Rail Road Company, and the bill conferring Banking Privileges on the said Company; and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported progress in the consideration thereof, but, not having time to complete the same, asked leave to sit again.

The Report was concurred in, and leave granted as prayed for.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 13, 1837.

The bill to alter the dividing line between the counties of Cumberland and Bladen, was read, and, on motion of Mr. Gillespie, indefinitely postponed.

Mr. Farrow presented a bill to provide for draining Mattamuskeet Lake in Hyde county; which was read the first time and passed.

Mr. Moore presented a bill concerning depositions of persons confined in Jail; which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed Resolution relative to the appointment of additional Engrossing Clerks, and asking the concurrence of this House.

The said Resolution was read the first, second and third times, amended, and passed.

Ordered, That the concurrence of the Senate be asked in said amendment.

Mr. McRae, from the Committee on Internal Improvements, reported the Resolution in favor of the Oconalufy

Turnpike Company, with an amendment. The amendment was concurred in, and the said Resolution read the second and third times, passed, and ordered to be engrossed.

Mr. McRae, from the same Committee, reported unfavorably on the Resolution relating to the Hickory Nut Gap Road, and asked to be discharged from the further consideration thereof. The report was concurred in.

Mr. McRae, from the same Committee, reported unfavorably on the Resolution of inquiry into the expediency of the State purchasing up the Stock in the Turnpike Road from Asheville to the Tennessee line, and prayed to be discharged from the farther consideration of the subject. The report was agreed to.

Mr. J. W. Guinn presented a petition from sundry Cherokee Indians, praying that the State would receive for safe keeping, their funds due from the General Government, and allow them interest therefor.

Said petition was read, and, on motion of Mr. J. W. Guinn, referred to a select Committee consisting of Messrs. Graham, Clement, Smith, Cansler, and J. W. Guinn.

A message from the Senate, concurring in the proposition of this House, to rescind the joint order relating to the adjournment of the Assembly.

Mr. Hoskins presented a bill to repeal in part an act entitled an act for the better regulation of the town of Edenton, passed in the year 1831; which was read the first time and passed.

A message from the Senate, informing that they had passed the Revised bill to provide for the collection and management of a Revenue for this State, with sundry amendments, and asking the concurrence of this House.

The amendments were read and concurred in.

The resignations of John C. Taylor, of Granville, and of Thomas Lawson, of Person county, Justices of the Peace, were presented, read, and accepted.

On motion, the House proceeded to the Orders of the day, and again resolved itself into a Committee of the whole, Mr. Hoskins in the Chair, on the bill to amend the

Charter of the Louisville, Cincinnati and Charleston Rail Road Company, and the bill conferring Banking Privileges on said Company; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that the Committee had made further progress in the consideration of the subjects referred to them, but not having completed the same, asked leave to sit again.

The Report was concurred in, and leave granted, as prayed for.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. Graham, from the Committee on the Revised Code, reported a bill concerning Appeals and Proceedings in the nature of Appeals, which was read the first time and passed.

The Revised bill concerning the Militia was read the third time, amended, and passed.

Ordered, That the concurrence of the Senate be asked in the amendments.

Mr. Graham, from the Committee on the Revised Statutes, reported a bill concerning the General Assembly of this State, which was read the first and second times, and passed.

The House then adjourned until to-morrow morning, 9 o'clock.

SATURDAY, JANUARY 14, 1837.

The bill to incorporate the Town of Rolesville, was read the third time, passed, and ordered to be engrossed.

The engrossed bill to amend the Charter of the Portsmouth and Roanoke Rail Road Company, was read, and, on motion of Mr. Gary, referred to a Select Committee consisting of Messrs. Gary, Gales and Faison.

A message from the Senate, proposing that the two Houses vote immediately for a Trustee of the University, to fill the vacancy occasioned by the resignation of P. W. Kittrell, and informing that the name of Andrew Joyner is in nomination for the appointment.

The proposition was not agreed to.

A message from the Senate, proposing that the Committee on enrolled bills be increased in the Senate to six, and to twelve on the part of the Commons, and that they have leave to sit during the sitting of the two Houses.

The proposition was concurred in.

A message from the Senate, concurring in all the amendments of the House of Commons to the Revised bill concerning the Militia.

Mr. Gales presented a Resolution in favor of William Thompson, which was read the first, second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of Green Hill, and asking the concurrence of this House.

The said Resolution was read the first, second and third time, passed, and ordered to be enrolled.

Mr. Farrow presented a Resolution in favor of John B. Jasper, which was read the first time and passed, and, referred, on motion of Mr. Farrow, to the Committee on Claims.

Mr. Gales introduced a bill authorizing and empowering Courts of Pleas and Quarter sessions to appoint special Magistrates in counties where there are now, or hereafter may be, incorporated Cities or Towns within the State of North Carolina. Said bill was read the first time and passed.

The resignation of Thomas G. Polk, as a Justice of the Peace of the county of Rowan, was presented, read, and accepted.

The House again resolved itself into a Committee of the Whole, Mr. Hoskins in the Chair, and took up the bill to confer Banking privileges on the Louisville, Cincinnati

and Charleston Rail Road Company, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported that he was instructed by the Committee of the Whole, to report the bill to the House without amendment.

Mr. Irion now moved that said bill be postponed indefinitely.

The question thereon was decided in the negative—Yeas 48, Nays 56.

The Yeas and Nays demanded by Mr. Irion.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Davenport, Dunn, Eaton, Gee, George, Gillespie, Gilliam, L. A. Gwyn, Hartley, Hawkins, Hollingsworth, Hooker, Hoskins, Howard, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Maultsby, Moye, McNeill, A. Perkins, Pritchard, Rand, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—48.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Erwin, Faison, Farrow, Galcs Gary, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Jefferson, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward—56.

Mr. L. A. Gwyn proposed to amend the bill, by adding the following as an additional Section, viz :

“It shall be in the power of the next General Assembly to alter, amend, or repeal this law, if they think fit to do it, without the consent of the Corporation.”

The question thereon was decided in the negative—Yeas 41, Nays 60.

Those who voted in the affirmative were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Davenport, Dunn, George, Gillespie, L. A. Gwyn, Hartley, Hawkins, Hollingsworth, Hooker, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Moye, McNeill, A. Perkins, Pritchard, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—41.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Eaton, Erwin, Faison,

Farrow, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Howard, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward—60.

Mr. Irion moved to amend the bill, by adding the following :

“That it shall be in the power of the Legislature of North Carolina, to repeal, alter, or amend this act, at any time before it is finally passed by the Legislatures of Tennessee or Kentucky, with or without the consent of the Corporation.”

The question on the adoption of this amendment, was decided in the negative—Yeas 42, Nays 59.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Davenport, Dunn, George, Gillespie, L. A. Gwyn, Hartley, Hawkins, Hollingsworth, Hooker, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenyan, I. W. Lanc, W. A. Lea, J. F. Lee, Maclin, Moyc, McNeill, Nye, A. Perkins, Pritchard, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—42.

Those who voted in the negative, were:

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. Harris, Hill, Hoke, Holland, Horton, Howard, Jefferson, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClennahan, McRae, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward—59.

The bill was then put on its passage, and the question, shall the said bill pass the second reading, was determined in the affirmative—Yeas 53, Nays 49.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Erwin, Farrow, Gales, Grady, Granberry, Graham, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Jefferson, Kenyan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward—53.

Those who voted in the negative, were :

Messrs. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Davenport, Dunn, Eaton, Faison, Gary, Gee, George, Gillespie, Gilliam, L. A. Gwyn, Haftley, Hawkins, Hollingsworth, Hooker, Hoskins, Howard, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Mac-
lin, Maulsby, Moye, McNeill, A. Perkins, Pritchard, Roebuck, Sloan, Small-
wood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K.
Whitley, Williamson—49.

Whereupon, the House adjourned until Monday morn-
ing, 10 o'clock.

MONDAY, JANUARY 16, 1837.

Messrs. Blount, Brummell, Cansler, Clement, Cov-
ington, E. Jordan, Gilliam, Granberry, Howard, Jeffer-
son, Patton, and Satterthwaite, were appointed the Com-
mittee on Enrolled Bills for the present week.

The bill to provide for the draining Mattamuskeet Lake,
was read the second time and passed.

On motion of Mr. Graham,

Resolved, That the Committee on Internal Improvements be
instructed to enquire whether the Cape Fear Navigation Com-
pany have rightfully retained the sum of \$1,375 53, from the
State's Dividends on her Stock in said Company ; and if not,
that they report what steps are proper to be taken for its recov-
ery.

The engrossed bill prescribing the mode of surveying
and selling the lands of this State, lately acquired by trea-
ty with the Cherokee Indians, was read the second time,
amended and passed, and, on motion of Mr. J. W. Guinn,
referred to a select Committee consisting of Messrs. Gra-
ham, J. W. Guinn, and Moore.

A message from the Senate, informing that Messrs.
Moseley, Davidson, Taylor, Moore, Arrington, and Mars-
teller, form their branch of the Committee on Enrolled
bills for the present week.

A message from the Senate, concurring in the amend-
ments of this House, to the Resolution relative to the ap-
pointment of additional Engrossing Clerks.

The bill to incorporate the Raleigh and Columbia Rail Road Company, was read the second time.

Mr. Hollingsworth moved to amend the bill, by striking out the words, "to some other point to be selected by the Company hereby incorporated, on the dividing line between the States of North Carolina and South Carolina, within thirty miles of Rockingham in Richmond county," and inserting, "to the town of Fayetteville, and thence to the South Carolina line."

The question on the adoption of this amendment, was decided in the negative; and the question, shall the said bill pass the second reading, was decided in the affirmative.

On motion, Mr. Blount obtained leave of absence from the service of the House, for the residue of the session, from and after Wednesday next.

Received from his Excellency, Governor Dudley, by his Private Secretary, Mr. C. C. Battle, a communication from the Executive of Georgia, transmitting certain Resolutions of the Legislature of that State, in relation to the distribution of the Surplus Revenue by the General Government.

Ordered, on motion of Mr. Satterthwaite, that the same be sent to the Senate.

The engrossed bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati, and Charleston Rail Road Company, on certain terms and conditions, was read the third time.

Mr. L. A. Gwyn moved that said bill be postponed until the third Monday of November, 1838. The question thereon was decided in the negative—Yeas 49, Nays 55.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Davenport, Dunn, Eaton, Faison, Gee, George, Gillespie, Gilliam, L. A. Gwyn, Hartley, Hawkins, Henry, Hollingsworth, Hooker, Howard, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Maulsby, Moye, McNeill, A. Perkins, Pritchard, Rand, Roebuck, Sloan, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—49.

Those who voted in the negative, were:

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Erwin, Farrow, Fleming,

Gales, Gary, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Swift, Thomas, Ward—55.

Mr. L. A. Gwyn moved to amend the bill by inserting the following:

“Provided, that should there be at any stage of the Charter, an amount of subscription more than is authorized by the Charter, that the subscriptions of non-residents of those States which have or may hereafter sanction this Charter, shall be stricken off before any reduction shall be made in the subscription of the citizens of those States whose assent is required by this Charter.”

The question thereon was decided in the affirmative—Yeas 103, Nay 1.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Bedford Blount, Brummell, Byrd, Campbell, Calloway, Cansler, Chambers, Clayton, Clement, Coor, Cotten, Covington, Crawford, Critz, Daniel, Davenport, Dunn, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Howard, Hower-ton, Hutchison, Irion, Jefferson, E. Jordan, Judkins, Kenan, J. A. King, N. J. King, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McAllister, McClennahan, McNeill, McRae, Nye Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, Ward, Watson, R. Whitley, K. Whitley, Williamson—103.

Mr. Cox voted in the negative.

Mr. L. A. Gwyn offered the following amendment, viz:

Be it further enacted, That no Bank Corporation shall subscribe or hold shares in this Bank, directly or indirectly.”

The question on the adoption of this amendment, was decided in the affirmative, Yeas 65, Nays 39.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Byrd, Chambers, Coor, Cotten, Critz, Daniel, Dunn, Eaton, Erwin, Faison, Farrow, Gales, George, Gillespie, Gilliam, Granberry, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins,

Henry, Hoke, Holland, Hollingsworth, Hooker, Horton, Howard, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, J. A. King, N. J. King, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Maulsby, Moye, Nye, A. Perkins, Pritchard, Rand, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Tuton, Ward, Watson, R. Whitley, K. Whitley, Williamson—65,

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Campbell Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Davenport, Fleming, Gary, Gee, Grady, Graham, J. W. Guinn, Hill, Jefferson, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClellanahan, McNeill, McKrae, Patton, J. H. Perkins, Pinkston, Roberts, Satterthwaite, Simpson, Smith—39.

On motion of Mr. L. A. Gwyn, the following amendment was also adopted:

“Be it further enacted, That none but citizens of the United States shall have the right of voting at the meetings of the Stockholders.”

Mr. Irion moved to amend the bill, by adding an additional section, in the following words, viz:

“Be it further enacted, That when said Bank, or any Branch or Agency thereof, shall refuse to redeem any Note or other paper, issued by said Bank or any of its Branches or Agencies, on demand, in gold or silver coin of the United States, the Charter of said Bank shall then be forfeited, and expire immediately.”

The question on the adoption of this amendment, was decided in the negative—Yeas 40, Nays 64.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Dunn, George, Gillespie, L. A. Gwyn, Hartley, Hawkins, Henry, Hollingsworth, Hooker, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Moye, A. Perkins, Rand, Roebuck, Sloan, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—40.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Howard, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClellanahan, McNeill, McKrae, Nye, Patton, J. H.

Perkins Pinkston, Pritchard, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Swift, Thomas, Ward—64.

Mr. L. A. Gwyn offered the following amendment :

Be it further enacted, That the succeeding Legislature of this State, shall have full power and authority to alter, amend, or repeal this Charter.

The question on the adoption thereof was decided in the negative—Yeas 41, Nays 63.

Those who voted in the affirmative, were:

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Dunn, George, Gillespie, L. A. Gwyn, Hartley, Hawkins, Henry, Hollingsworth, Hooker, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Moye, A. Perkins, Pritchard, Rand, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley—41.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Fleming, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Howard, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward, Williamson—63.

Mr. Irion offered the following amendment :

“Be it further enacted, That the Legislature of this State shall have full power to alter, amend, or repeal this Charter at any time, before the States of Kentucky and Tennessee have given their sanction to this Charter.

The question on the adoption of this amendment, was decided in the negative—Yeas 40, Nays 64.

Those who voted in the affirmative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Dunn, George, Gillespie, L. A. Gwyn, Hartley, Hawkins, Hollingsworth, Hooker, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Moye, A. Perkins, Pritchard, Rand, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley—40.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin,

Faison, Farrow, Fleming, Gales, Gary, Gee, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Henry, Hill, Hoke, Holland, Horton, Howard, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward, Williamson—64.

The question shall the said bill pass the third reading was decided in the affirmative, Yeas 53, Nays 50.

The Yeas and Nays demanded by Mr. L. A. Gwyn.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Erwin, Farrow, Fleming, Gales, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward—53.

Those who voted in the negative, were :

MESSRS. Averitt, Blount, Chambers, Coor, Cotten, Daniel, Dunn, Eaton, Faison, Gary, Gee, George, Gillespie, Gilliam, L. A. Gwyn, Hartley, Hawkins, Henry, Hollingsworth, Hooker, Howard, Howerton, Hutchison, Irion, E. Jordan, Judkins, Kenan, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, Maultsby, Moye, McNeill, A. Perkins, Pritchard, Rand, Roebuck Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—50.

The House then adjourned until 4 o'clock, P. M.

FOUR o'clock, P. M.

Mr. J. W. Guinn, from the Committee on the Revised Code, reported the bill concerning Inspectors and Public Landings ; and a bill concerning the Public Arms ; these bills were read the first, second and third times, passed, and ordered to be sent to the Senate.

The bill concerning Slaves and free persons of color, and the bill concerning the General Assembly of this State, were each read the third time, passed, and ordered to be sent to the Senate.

The Revised bill concerning Courts of Justice, Practice, Pleas and Process, was read the third time.

Mr. Gilliam moved to strike out the amendment heretofore made to the sixth Section of the bill relating to the appointment of Special Justices.

The question thereon was decided in the negative—Yeas 18, Nays 46.

The Yeas and Nays demanded by Mr. Moye.

Those who voted in the affirmative, were :

MESSRS. Daniel, Eaton, Farrow, Fleming, Gilliam, Granberry, L. A. Gwyn, Kenyan, W. A. Lea, Moye, Smallwood, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, K. Whitley—18.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Blount, Calloway, Campbell, Cansler, Clayton, Cotten, Crawford, Critz, Davenport, Dunn, Gary, Gee, Gillespie, Grady, J. W. Guinn, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Howerton, Jefferson, W. B. Lane, I. W. Lane, J. F. Lee, Lindsay, Loudermilk, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Satterthwaite, Simpson Smith, Ward—46.

The bill thereupon passed the third reading, and was ordered to be sent to the Senate.

The Revised bill concerning Appeals and Proceedings in the nature of Appeals, and the bill concerning Roads, Fences and Bridges, were each read the second and third times, passed, and ordered to be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 17, 1837.

On motion of Mr. Hoke,

Resolved, That the 30th Rule of Order for the government of this House, be suspended for the residue of the session.

Mr. McRae introduced a bill to make compensation to the Secretary of State for additional services, which was read the first time and passed.

The engrossed bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company, was read the second and third time, amended, on motion of Mr. Hoke, and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

Received a message from the Senate, proposing that the two Houses ballot immediately for a Trustee of the University of North Carolina.

The proposition was agreed to, and Messrs. Byrd and Adams appointed the Committee to superintend the balloting.

A message from the Senate, informing that Messrs. Burney and Marsteller form said Committee on their part.

Mr. Adams, from the Committee appointed to conduct said balloting, reported that Andrew Joyner had received a majority of the whole number of votes, and that he was duly elected. The Report was concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Cane Creek, Farmers', and Mechanics' Cotton Manufacturing Company of Orange and Chatham, and asking the concurrence of this House.

The said bill was read the first, second, and third times, passed, and ordered to be enrolled.

The bill to incorporate the Raleigh and Columbia Rail Road Company, was read the third time.

Mr. Watson moved that said bill be postponed indefinitely. The question thereon was decided in the negative, Yeas 19, Nays 82.

The Ayes and Noes demanded by Mr. Watson.

Those who voted in the affirmative, were :

Messrs. Blount, Daniel, Gary, George, Grady, Henry, Hill, Hollingsworth, Hooker, Hutchison, Kenan, Maulsby, Moye, Sloan, Spiers, Tuton, Watson, R. Whitley, K. Whitley—19.

Those who voted in the negative, were :

Messrs. Adams, Averitt, Bedford, Brummell, Campbell, Calloway, Cansler, Chambers, Clayton, Clement, Coor, Cotten, Covington, Cox, Crawford, Critz, Davenport, Dunn, Eaton, Erwin, Faison, Farrow, Gales, Gee, Gillespie, Gillingham, Graham, Granberry, J. W. Guinn, Guthrie, L. A. Gwen, W. S. Harris, W. Harris, Hartley, Hawkins, Hoke, Holland, Horton, Hoskins, Howard, Howerton, Irion, Jefferson, E. Jordan, Judkins, N. J. King, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClenna-

han, McNeill, McRae, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Roebuck, Roberts, Satterthwaite, Simpson, Smallwood, Smith, Stallings, Swift, Thomas, Tomlinson, Ward, Williamson—82.

The said bill, thereupon, passed the third reading, and was ordered to be engrossed.

Mr. Rayner introduced a Resolution in favor of the legal Representatives of the late George W. Montgomery ; which was read the first, second, and third times, passed, and ordered to be engrossed.

Mr. Graham, from the select Committee, to whom was referred the bill prescribing the mode of surveying and selling the lands of this State, lately acquired by Treaty from the Cherokee Indians, reported the same with an amendment.

The amendment was read and concurred in, and the bill read the third time and passed.

Ordered, That the concurrence of the Senate be asked in said amendment.

Mr. Graham introduced a bill to prevent frauds on Cherokee Indians residing in this State ; which was read the first time and passed.

The bill to provide for the draining of Mattamuskeet Lake, was read the third time.

Mr. Hill moved to amend the bill, by adding the following as an additional Section, to wit :

“ Be it further enacted, That a like sum shall be appropriated to the draining of the Swamp lands on the Waccamaw Lake, in the county of Columbus, and the Green Swamp, in the county of Brunswick. subject to the provisions of the above act ; and that William R. Hall, of the county of Brunswick ; Samuel B. Andrews, of the county of Bladen ; Richard Wooten, and William Brantley, of the county of Columbus be, and they are hereby appointed Commissioners to carry the same into effect.”

The question thereon was decided in the negative.

The bill being amended, on motion of Messrs. Farrow and Satterthwaite, passed the third reading—Yeas 68, Nays 31.

The Yeas and Nays demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Adams, Bedford, Blount, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Roberts, Satterthwaite, Simpson, Smallwood, Swift, Thomas, Ward—68.

Those who voted in the negative, were:

MESSRS. Averitt, Chambers, Coor, Cotten, Daniel, George, Guthrie, L. A. Gwyn, Hawkins, Hooker, Howerton, Hutchison, Irion, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Moye, A. Perkins, Rand, Sloan, Spiers, Stallings, Stockard, Tomlinson, Tuton, Watson, R. Whitley, K. Whitley, Williamson—31.

Ordered, That said bill be engrossed.

The bill to encourage the culture and manufacture of Silk and Sugar in this State, was read the third time, passed, and ordered to be engrossed.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. Moore, from the Committee on the Revised Code, reported a bill concerning Executions and Execution sales ; which was read the first, second, and third time, passed, and ordered to be sent to the Senate.

The Revised bill for the relief of Insolvent Debtors ; and the bill concerning last Wills and Testaments, were each read the second and third time and passed, and ordered to be sent to the Senate.

The bill concerning Widows ; and the bill concerning Crimes and Punishments, were each read the second and third time, passed, and ordered to be sent to the Senate.

The Revised bill concerning Divorce and Alimony, was read the second and third times, passed, and ordered to be sent to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 18, 1837.

On motion, leave of absence from the service of the House, was granted to Messrs. Satterthwaite and Smallwood, from and after Friday next.

Mr. Howerton, from the Committee on Propositions and Grievances, reported unfavorably on the Petition of certain citizens of Burke county, praying the erection of a new county, and asked to be discharged from the farther consideration of the subject. The Report was concurred in, and, on motion,

Ordered, That Mr. E. P. Miller have leave to withdraw from the Files of this House, the original papers.

Mr. Howerton, from the same Committee, reported unfavorably on the Petition of James Scott, and asked to be discharged from the further consideration thereof. The Report was concurred in, and, on motion, leave granted Mr. Erwin to withdraw the original documents.

Mr. Howerton, from the same Committee, reported unfavorably on the Petitions for the emancipation of the slaves named Ned and Sam, and asked to be discharged from the further consideration thereof. The Report was concurred in.

Mr. Averitt presented a bill to appropriate ten thousand dollars for the improvement of New River, in Onslow county; which was read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the North-Carolina Central Rail Road Company, and asking the concurrence of this House. The said bill was read the first time and passed.

Mr. Maulsby presented a bill to provide for the draining of Waccamaw Lake, in Columbus county; which was read the first time and passed.

The bill for the distribution of the Surplus Revenue and the Literary Fund amongst the several counties of the State, and for other purposes, was read, and, on motion of Mr. Crawford, laid on the table.

A message from the Senate, informing that they had rejected the engrossed bill to incorporate the Roanoke Valley Rail Road Company.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of the Heirs of Finley McDonald, and asking the concurrence of this House. The said Resolution was read the first, second and third times, passed, and ordered to be enrolled.

On motion of Mr. Hoke,

Ordered, That a message be sent to the Senate, proposing to rescind the Joint Resolution appointing this day for the final adjournment of the General Assembly.

Mr. Graham introduced a Resolution in favor of Kenneth Rayner; which was read the first, second, and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to incorporate the Hiwassee Turnpike Company, and for other purposes.

The resignations of Daniel A. Paschall, as Major of the 38th Regiment of Militia, and of Lewis Y. Christmas, as a Justice of the Peace of Warren county, were presented, read, and accepted.

A message from the Senate, agreeing to the proposition of this House, to rescind the agreement of the two Houses, to adjourn *sine die*, this day.

On motion, the House proceeded to the Orders of the day, and resolved itself into a Committee of the whole, Mr. Gary in the Chair, and took up for consideration, the Resolutions and Statistics relating to the distribution of the Surplus Revenue and other funds of the State; and, after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the same with certain amendments; when the House, on motion, adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. Graham introduced a bill concerning the Revised Statutes; which was read the first time and passed.

The bill concerning the Bank of Cape Fear, was read the second time and amended, and the question, shall the said bill pass the second reading, was determined in the affirmative—Yeas 67, Nays 28.

The Yeas and Nays demanded by Mr. Hawkins.

Those who voted in the affirmative, were :

MESSRS. Adams, Averitt, Bedford, Brummell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Erwin, Farrow, Gales, Gary, Gilliam, Grady, Graham, Granberry, L. A. Gwyn, W. S. Harris, W. Harris, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Irion, Jefferson, E. Jordan, Kenan, Kenyan, W. B. Lane, W. A. Lea, Lindsay, Loudermilk, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClenahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rand, Rayner, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Stallings, Swift, Thomas, Tomlinson, Ward, Watson, K. Whitley, Williamson—67.

Those who voted in the negative, were :

MESSRS. Byrd, Chambers, Coor, Daniel, Davenport, Faison, Gce, George, J. W. Guinn, Guthrie, Hartley, Hawkins, Hooker, Howerton, Judkins, I. W. Lane, J. F. Lee, Maclin, I. Matthews, Moye, A. Perkins, Pritchard, Roebuck, Smith, Spiers, Stockard, R. Whitley—28.

The House resumed the consideration of the Report of the Committee of the whole, and took up the Resolutions proposing certain investment of the funds of the State, and a distribution of the Surplus Revenue ; which Resolutions are in the following words, viz :

1. *Resolved*, That the Surplus Money of the United States, to be deposited with North-Carolina, ought not to be kept useless and profitless, but that the same shall be invested in such manner as to secure the capital, and also to advance the great interests of the State ; that the State debt of \$400,000. shall be purchased in, and such provisions made by law as will stop the interest and prohibit the re-issue of the Scrip, except it shall be made necessary on a demand by the General Government for re-payment of the Surplus Money deposited in North Carolina.

2d. The Literary Fund shall consist of the Swamp lands of this State, not heretofore entered by individuals. And also, the following Stocks, to wit :

6,000 Shares of Stock in State Bank,	\$600,000
2,122 “ of do. in Bank of Cape Fear,	212,200

\$812,200.

Cash to be immediately invested in Stock (Bank) 187,800

Making \$1,000,000

which is to accumulate as heretofore, for purposes of Education.

3. The Internal Improvement Fund shall consist of the Cherokee bonds, not yet paid, as is now required by law, the Cherokee lands not sold, the debts owing to said Board, as heretofore constituted, or to the State for funds loaned from the Internal Improvement Fund, and nine hundred and twenty thousand dollars of the money now or hereafter to be received into the Treasury, until otherwise provided by law.

4. That the President and Directors of the Literary Fund, shall be authorised to expend not exceeding \$200,000, to reclaim the Swamp lands belonging to said Fund: *Provided*, the Board think it can be beneficially laid out. It is expedient to provide, by law, for re-organizing the said Board, and to clothe them with power by themselves, or their agents, to enter on the lands of other persons, for the purpose of surveying, and to devise a system of equitable assessment on the lands, belonging to individuals, which may be drained by their works, and to enforce its payment with proper restrictions, or to establish rules, by which individuals may be allowed to aid in their works when prosecuted, and be exempted from any assessment, and such other constitutional powers as may be needful to put into execution the great improvement therein contemplated, and also, to sell the lands which may be reclaimed; but the canal or canals that may be executed by them, shall, in no wise, be sold to individuals. The Board, however, shall drain the lands by contract with others, at specified prices agreed on with contractors, who shall give bond and security to perform the contracts, under such restrictions, and upon such conditions, as may be prescribed.

5. That the Board of Internal Improvement ought to be re-organized; and that they be authorized to subscribe two-fifths of the Capital Stock of the Wilmington and Raleigh Rail Road, as soon as individuals (able to pay it) shall subscribe three fifths of the said Capital Stock, and that they subscribe in like manner, to the Fayetteville and Western Rail Road, for the construction thereof from Fayetteville to the Yadkin River: *Provided, however*, That the State will not take Stock, unless individuals shall subscribe three-fifths of the whole amount of

the Capital, which competent Engineers shall report to be necessary to complete the Road ; twenty-five per cent or more on the Shares of individuals shall be actually paid in, before the State shall be called on to pay any thing on her subscription, so as to prevent any imposition on the State by individual Stockholders, first, expending the money of the Public, and then failing to pay their own subscriptions, or to enforce collection from delinquents.

6. That the interest and dividends accruing on the Internal Improvement Stocks, shall be appropriated to the Fund for Common Schools.

7. That the foregoing Resolutions shall be referred to a select Committee or Committees, with instructions to prepare bills for carrying the same into full effect ; and said Committee or Committees, shall have leave to sit during the session of this House.

Mr. Guthrie moved to amend the Resolutions, by adding the following words :

“ And that they subscribe in like manner to the Raleigh and Gaston Rail Road, \$200,000, for the construction thereof, from Gaston, on the Roanoke, to the City of Raleigh.”

The question on the adoption of this amendment, was decided in the negative—Yeas 27, Nays 66.

The Ayes and Noes demanded by Mr. Guthrie.

Those who voted in the affirmative were :

Messrs. Adams, Bedford, Clement, Crawford, Erwin, Farrow, Gales, Gee, Gilliam, Grady, Graham, Guthrie, Hawkins, Horton, Jefferson, Judkins, Loudermilk, E. P. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Patton, Rand, Roberts, Stockard—27.

Those who voted in the negative, were :

Messrs. Averitt, Brummell, Byrd, Cansler, Chambers, Clayton, Coor, Covington, Cox, Critz, Daniel, Davenport, Faison, Gary, George, Gillespie, Granberry, L. A. Gwyn, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Hoskins, Howerton, Irion, E. Jordan, Kenan, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Maclin, I. Matthews, C. H. Matthews, Maulsby, W. J. T. Miller, Moye, Nye, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Roebuck, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stallings, Swift, Thomas, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—66.

Mr. Howard moved to amend said Resolution, by inserting the words, “ and that they subscribe, in like man-

ner, for two-fifths of the Stock to the Central Rail Road, for the construction thereof, from Beaufort to the Cape Fear."

The question on adopting this amendment, was decided in the affirmative—Yeas 54, Nays 43.

The Ayes and Noes demanded by Mr. Howard.

Those who voted in the affirmative, were :

MESSRS. Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Chambers, Clayton, Clement, Cox, Crawford, Critz, Erwin, Farrow, Gales, Gee, Gillespie, Graham, J. W. Guinn, W. Harris, Hartley, Henry, Hill, Hoke, Hollingsworth, Horton, Howard, Jefferson, E. Jordan, Kenan, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, Maulsby, E. P. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rand, Roberts, Satterthwaite, Simpson, Sloan, Swift, Tomlinson, Ward, Watson—54.

Those who voted in the negative, were :

MESSRS. Adams, Cansler, Coor, Covington, Daniel, Davenport, Faison, Gary, George, Gilliam, Grady, Granberry, Guthrie, L. A. Gwyn, W. S. Harris, Hawkins, Holland, Hooker, Hoskins, Howerton, Irion, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, I. Matthews, W. J. T. Miller, Moye, A. Perkins, Pritchard, Rayner, Roebuck, Smallwood, Smith, Spiers, Stallings, Stockard, Thomas, R. Whitley, K. Whitley, Williamson—43.

Mr. L. A. Gwyn moved that the whole of the said Resolutions be postponed indefinitely.

The question thereon, was decided in the negative—Yeas 51, Nays 67.

The Ayes and Noes demanded by Mr. L. A. Gwyn.

Those who voted in the affirmative, were :

MESSRS. Byrd, Chambers, Coor, Daniel, Davenport, Faison, Gee, L. A. Guinn, Hawkins, Hooker, Howerton, Irion, Judkins, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, I. Matthews, Moye, A. Perkins, Pritchard, Roebuck, Sloan, Smallwood, Spiers, Stallings, Stockard, Tomlinson, R. Whitley, K. Whitley—31.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Brummell, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Erwin, Farrow, Gales, Gary, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Gwyn, Guthrie, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, N. J. King, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rand, Rayner, Roberts, Satterthwaite, Simpson, Smith, Swift, Thomas, Ward, Williamson, Watson—67.

The question recurring on the adoption of the Resolutions, Mr. Howerton called for a division of the question, and moved that the vote be taken on each Resolution separately, and demanded the Yeas and Nays.

The question, shall the first Resolution pass, was decided in the affirmative—Yeas 94, Nays 1.

Those who voted in the affirmative, were:

MESSRS. Adams, Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Causler, Clayton, Clement, Coor, Covington, Cox, Crawford, Critz, Daniel, Davenport, Erwin, Faison, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, J. W. Guinn, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Hawkins, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hoskins, Howard, Howerton, Irion, Jefferson, E. Jordan, Judkins, Kenan, N. J. King, Kenyan, W. B. Lane, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moye, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Rayner, Roebuck, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stallings, Stockard, Swift, Thomas, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—94.

Moses Chambers voted alone in the negative.

The question on the adoption of the second Resolution, was decided in the affirmative—Yeas 86, Nays 9.

Those who voted in the affirmative, were:

MESSRS. Adams, Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Causler, Clayton, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Erwin, Faison, Farrow, Gales, Gary, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, L. A. Gwyn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hoskins, Howard, Howerton, Irion, Jefferson, E. Jordan, Judkins, Kenan, N. J. King, Kenyan, W. B. Lane, W. A. Lea, Lindsay, Loudermilk, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moye, McAlister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rand, Rayner, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stallings, Swift, Thomas, Tomlinson, Ward, Watson, K. Whitley, Williamson—86.

Those who voted in the negative, were:

MESSRS. Chambers, Coor, Daniel, Hawkins, I. W. Lane, J. F. Lee, Maclin, Roebuck, R. Whitley—9.

The question on the adoption of the third Resolution, was decided in the affirmative, Yeas 73, Nays 23.

Those who voted in the affirmative, were:

MESSRS. Adams, Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Causler, Clayton, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Erwin, Farrow, Gales, Gary, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. Harris, W. S. Harris, Hartley,

Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, N. J. King, W. B. Lane, I. W. Lane, Lindsay, Loudermilk, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Roberts, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Swift, Thomas, Ward, Watson, Williamson—73.

Those who voted in the negative, were:

MESSRS. Chambers, Coor, Daniel, Faison, Gee, L. A. Gwyn, Hawkins, Hooker, Howerton, Irion, Judkins, Kenyan, W. A. Lea, J. F. Lee, Maclin, Moye, A. Perkins, Spiers, Stallings, Stockard, Tomlinson, R. Whitley, K. Whitley—23.

The question on the passage of the fourth Resolution, was decided in the affirmative, Yeas 62, Nays 35.

Those who voted in the affirmative, were:

MESSRS. Averitt, Bedford, Brummell, Calloway, Cansler, Clayton, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Erwin, Farrow, Gales, Gary, Gillespie, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, Kenyan, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, Maultsby, W. J. T. Miller, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Rayner, Roberts, Satterthwaite, Simpson, Smallwood, Swift, Ward, Watson, Williamson—62.

Those who voted in the negative, were:

MESSRS. Adams, Byrd, Campbell, Chambers, Coor, Daniel, Faison, Gee, George, Gilliam, L. A. Gwyn, W. S. Harris, Hawkins, Hooker, Howerton, Irion, Judkins, N. J. King, I. W. Lane, W. A. Lea, J. F. Lee, Maclin, E. P. Miller, Moore, Moye, Rand, Sloan, Smith, Spiers, Stallings, Stockard, Thomas, Tomlinson, R. Whitley, K. Whitley—35.

The question on the adoption of the fifth Resolution, was decided in the affirmative, Yeas 67, Nays 30.

Those who voted in the affirmative, were:

MESSRS. Adams, Averitt, Bedford, Brummell, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Erwin, Farrow, Gales, Gary, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Howard, Jefferson, E. Jordan, Kenan, W. B. Lane, Lindsay, Loudermilk, Maclin, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, Moye, McAllister, McClennahan, McRae, McNeill, Nye, Patton, J. H. Perkins, Pinkston, Rand, Rayner, Roberts, Satterthwaite, Simpson, Sloan, Smith, Swift, Thomas, Ward, Watson, Williamson—67.

Those who voted in the negative, were:

MESSRS. Byrd, Chambers, Coor, Cotten, Daniel, Faison, Gee, Guthrie, L. A. Gwyn, Hawkins, Hooker, Hoskins, Howerton, Irion, Judkins, N. J. King, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, I. Matthews, A. Perkins, Pritch-

ard, Smallwood, Spiers, Stallings, Stockard, Tomlinson, R. Whitley, K. Whitley—30.

A message from the Senate, informing that they had passed the Revised bill concerning Inspectors and Public Landings ; also, the Revised bill for the better security of Personal Liberty ; also, the Revised bill concerning Limitations ; and the engrossed bill to incorporate the Mutual Insurance Company of Fayetteville, with sundry amendments as set forth in the message, and asking the concurrence of the Commons. The amendments were read and concurred in.

A message from the Senate, concurring in the amendments of the House to the engrossed bill prescribing the mode of surveying and selling the Lands lately acquired by Treaty with the Cherokee Indians, and also, concurring in the amendments of the House to the engrossed bill to confer Banking privileges on the Stockholders of the Louisville, Cincinnati and Charleston Rail Road Company, on certain terms and conditions.

Ordered, That said bill be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 19, 1837.

On motion, leave of absence from the service of the House, from and after this day, was granted to Messrs. L. A. Gwyn, W. A. Lea and John H. Hawkins, after to-morrow, to Mr. Ward, and after Saturday next, to Messrs. Thomas, Henry and Faison.

In pursuance of the Resolutions yesterday adopted, the Speaker appointed the following Committees, viz:

On the first Resolution, Messrs. Moore, Canaler, McRae, Gilliam, and Rand.

On the second Resolution, Messrs. Williamson, Hill, Granberry, Hoskins, and Satterthwaite.

On the fifth Resolution, Messrs. Graham, Gales, Kennan, Howard, and J. W. Guinn.

Mr. Graham introduced a Resolution concerning contingent expenses, which was read the first, second and third times, passed, and ordered to be engrossed.

Mr. Williamson, from the Committee on the Judiciary, reported unfavorably on the bill to amend an Act passed in the year 1762, entitled an Act for the better care of Orphans, and security and management of their Estates; when said bill was, on Mr. Williamson's motion, indefinitely postponed.

The Resolution in favor of John B. Jasper was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill making an appropriation for carrying on and completing the Capitol of the State, was read the second time.

Mr. Nye moved to strike out the words "twenty thousand." The question thereupon was decided in the negative—Yeas 36, Nays 59.

The Yeas and Nays demanded by Mr. Nye.

Those who voted in the affirmative, were:

MESSRS. Averitt, Calloway, Coor, Critz, Daniel, Davenport, Farrow, Gillespie, J. W. Guinn, W. S. Harris, Henry, Holland, Hollingsworth, Horton, Howerton, Hutchison, Irion, Jefferson, W. B. Lane, Loudermilk, E. P. Miller, W. J. T. Miller, Moye, Nye, J. H. Perkins, A. Perkins, Pinkston, Roebuck, Satterthwaite, Simpson, Sloan, Smith, Spiers, Stockard, Watson, R. Whitley—36;

Those who voted in the negative, were:

MESSRS. Adams Bedford, Byrd, Chambers, Clayton, Cotten, Cox, Crawford, Eaton, Erwin, Faison, Gales, Gary, Geo, George, Gilliam, Grady, Graham, Guthrie, L. A. Gwyn, W. Harris, Hartley, Hawkins, Hill, Hoke, Hooker, Hoskins, Howard, E. Jordan, Judkins, Kenan, N. J. King, Kenyan, I. W. Lane, W. A. Lea, J. F. Lee, Lindsay, Maclin, I. Matthews, C. H. Matthews, Maulsby, Moore, McAlister, McClennahan, McNeill, McRae, Patton, Pritchard, Rand, Rayner, Roberts, Smallwood, Stallings, Swift, Thomas, Tomlinson, Ward, K. Whitley, Williamson—59.

The bill thereupon passed the second and third readings, and was ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed Resolution relative to the Governor's House, and asking the concurrence of this House.

Mr. Crawford moved to strike out "five thousand," and

insert "two thousand five hundred." The question thereon was decided in the affirmative—Yeas 55, Nays 33.

The Yeas and Nays demanded by Mr. Calloway.

Those who voted in the affirmative, were :

MESSRS. Averitt, Calloway, Chambers, Coor, Cotten, Cox, Crawford, Critz, Daniel, Davenport, Farrow, Grady, J. W. Guinn, W. S. Harris, Hartley, Hawkins, Henry, Holland, Hollingsworth, Hooker, Horton, Howerton, Hutchison, Irion, Jefferson, E. Jordan, Judkins, Kenan, Kenyan, W. B. Lane, I. W. Lane, J. F. Lee, Loudermilk, I. Matthews, E. P. Miller, W. J. T. Miller, Moye, McNeill, Nye, J. H. Perkins, Pinkston, Pritchard, Roebuck, Satterthwaite, Simpson, Sloan, Smallwood, Smith, Spiers, Stockard, Tomlinson, Watson, R. Whitley, K. Whitley—55.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Byrd, Clayton, Eaton, Erwin, Faison, Galea, Gary, Gee, Gillespie, Gilliam, Guthrie, W. Harris, Hill, Hoke, Hoskins, Howard, J. A. King, N. J. King, Lindsay, C. H. Matthews, Maulsby, Moore, McAllister, McRae, Patton, Rand, Rayner, Roberts, Stallings, Swift, Ward—33.

The Resolution, thereupon, passed the first, second, and third reading, as amended.

Ordered, That the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had passed the engrossed Resolution, authorizing the employment of additional Engrossing Clerks, and asking the concurrence of this House.

The said Resolution was read the first, second, and third time, and passed.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of the Door-keepers; and in favor of Leander Truitt, and asking the concurrence of this House.

The said Resolutions were read the first, second, and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of the late Governor; and in favor of John and Thomas Webb; and asking the concurrence of this House.

The said Resolution was read the first, second, and third time, passed, and ordered to be enrolled.

The bill to prevent frauds on the Cherokee Indians residing in this State, was read the second and third time, passed, and ordered to be engrossed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Memorial of certain citizens of Granville county, and asked to be discharged from the further consideration thereof. The Report was concurred in.

A message from the Senate, informing that they had passed the Revised bill concerning Crimes and Punishments; and the Revised bill concerning Entries and Grants of land, with sundry amendments, and asking the concurrence of this House. The amendments were read and agreed to.

The engrossed bill to incorporate the North Carolina Central Rail Road Company, was read the second and third time and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation in favor of constructing a road over the Iron Mountain, in the county of Yancy, and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Stallings, indefinitely postponed—Yeas 49, Nays 36.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

Messrs. Adams, Campbell, Chambers, Coor, Cotten, Daniel, Faison, Gary, Gee, George, Gillespie, Gilliam, Grady, Granberry, Guthrie, W. S. Harris, W. Harris, Hawkins, Henry, Hollingsworth, Hooker, Hoskins, Howerton, Judking, Kenan, Kenyan, I. W. Lane, W. B. Lane, J. F. Lee, Lindsay, I. Matthews, C. H. Matthews, Moye, A. Perkins, Pinkston, Pritchard, Rand, Rayner, Roebuck, Sloan, Smallwood, Spiers, Stallings, Swift, Thomas, Tomlinson, Watson, R. Whitley, K. Whitley—49.

Those who voted in the negative, were :

Messrs. Averitt, Bedford, Byrd, Calloway, Cansler, Cox, Crawford, Critz, Davenport, Erwin, J. W. Guinn, Hartley, Hill, Hoke, Holland, Horton, Hutchison, Irion, Jefferson, E. Jordan, J. A. King, N. J. King, Loudermilk, Maultsby, E. P. Miller, W. J. T. Miller, McAllister, McNeill, McRae, Nye, Patton, J. H. Perkins, Roberts, Simpson, Smith, Ward—36.

A message from the Senate, informing that they had passed the following engrossed Resolutions, viz :

Resolution concerning the postage of the Speakers of the two Houses ; Resolution in favor of Samuel F. Patterson ; and a Resolution in favor of the Public Treasurer ; and asking the concurrence of this House.

The said Resolutions were read the first, second, and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they concur in the several amendments made by the Commons to the engrossed bill to amend the Charter of the Portsmouth and Roanoke Rail Road Company ; and the engrossed bill to amend the Charter of the Louisville, Cincinnati, and Charleston Rail Road Company.

Ordered, That said bills be enrolled.

The bill to appropriate ten thousand dollars for the improvement of New River, in Onslow county, was read, and, on motion of Mr. Patton, postponed indefinitely.

The Revised bill concerning Bastard Children, was read the third time, passed, and ordered to be sent to the Senate.

On motion, the House adjourned until this afternoon, 3 o'clock, P. M.

THREE o'clock, P. M.

On motion, leave of absence from the service of the House, for the residue of the session, after Saturday next, was granted to Messrs. N. J. King, Hollingsworth, E. P. Miller, Jefferson, Moye, Spiers, Hooker, and Crawford.

A message from the Senate, concurring in the amendments of this House, to the bill to incorporate the North Carolina Central Rail Road Company.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed Resolution in favor of the Widow of William Gilliam, deceased ; and asking the concurrence of this House.

The said Resolution was read the first, second, and third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill allowing the several County Courts to make compensation to Tales Jurors, and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Hoke, rejected.

A message from the Senate, informing that they had passed the engrossed bill to restore any person convicted of an infamous crime, to the rights of citizen ship; and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Campbell, postponed indefinitely.

A message from the Senate, informing that they had passed the engrossed bill concerning the Public Arms, now in the Arsenal in Raleigh and Fayetteville; and asking the concurrence of this House.

The said bill was read the first, second, and third time, and passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act concerning the election of Governor and Members of the General Assembly, passed in the year 1831; and asking the concurrence of this House.

The said bill was, thereupon, read the first, second, and third time, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to encourage the culture and manufacture of Silk and Sugar, with an amendment, and asking the concurrence of this House.

The amendment was read and concurred in.

Received from the Senate the Report of the Committee of Finance, on the state of the Treasury, on the 18th inst. the day on which Daniel W. Courts, the Treasurer of the State, entered upon the duties of his office.

Said Report was read, and ordered to be enrolled, and printed, and attached to the laws.

Mr. Rayner, in pursuance of motion, now called up, for consideration, the Resolutions heretofore presented, by him, to this House, in relation to the Public Lands of the United States. The question, will the House now consider said Resolution, was decided in the negative.

Mr. Guthrie moved that the said Resolutions last referred to, be now considered by the House, and demanded the Ayes and Noes.

The question on the adoption of this motion, was decided in the affirmative—Yeas 55, Nays 39.

Those who voted in the affirmative, were:

MESSRS. Adams, Brummell, Calloway, Clement, Cotten, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Satterthwaite, Simpson, Smallwood, Swift, Thomas—55.

Those who voted in the negative, were :

MESSRS. Averitt, Bedford, Byrd, Cansler, Chambers, Coor, Critz, Daniel, Hartley, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Hutchison, Irion, Judkins, Kenan, Kenyan, I. W. Lane, J. F. Lee, Maclin, Moye, McNeill, A. Perkins, Rand, Roebuck, Roberts, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, R. Whitley, K. Whitley, Williamson—39.

Mr. Hutchison moved to strike out the whole of said Resolutions after the word "Resolved," and insert the following in lieu thereof, viz : "As the opinion of this General Assembly, that the power to tax is a trust created and limited to the necessities of Government, and to extract from the people in the shape of taxes or duties, more money than is necessary to an economical administration thereof, is unwise, oppressive and dangerous to their liberties.

2. *Resolved*, That all Legislative action by Congress with a view to establish or continue a system which will draw from the people more money by taxes or duties, than is required for the legitimate purposes of the Federal Government, for distribution among the States, is impolitic and oppressive, and unwarranted by the Constitution of the United States.

3. *Resolved*, That any act of Congress by which the Public Lands shall be given to the States in which they are situated,

would be a plain violation of the deeds of cession by the States to the Federal Government.

4. *Resolved*, As the opinion of this General Assembly, should there remain a large surplus in the Treasury of the United States on the 1st January 1838, and not needed for the proper and legitimate purposes of the General Government, that it be disposed of in like manner as was the surplus by the Act of Congress of 1835, called the "Deposit Act."

5. *Resolved*, That his Excellency, the Governor, be requested to transmit to each of our Senators in Congress, a copy of these Resolutions."

Mr. Hoke moved that the whole of the Resolutions, both original and substitute, be postponed indefinitely.

The question thereon was decided in the negative—Yeas 34, Nays 64.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Campbell, Cansler, Chambers, Coor, Critz, Daniel, Hartley, Henry, Hoke, Holland, Hollingsworth, Hooker, Howerton, Irion, Judkins, Kenan, Kenyan, I. W. Lane, J. F. Lee, Maclin, Moye, A. Perkins, Roebuck, Roberts, Simpson, Sloan, Smith, Tomlinson, Ward, R. Whitley, K. Whitley, Williamson—34.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Calloway, Clayton, Clement, Cotten, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Hutchison, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Satterthwaite, Smallwood, Spiers, Stallings, Stockard, Swift, Thomas, Watson—64.

The question recurring on the motion to strike out and insert, Mr. Rayner called for a division of the question; pending which, on motion of Mr. McNeill, the said Resolutions were laid on the table.

On motion of Mr. Guthrie,

Ordered, That the said substitute, as proposed by Mr. Hutchison, be printed.

A message from the Senate, informing that they had passed the engrossed Resolution directing the Governor to forward certain copies to the Governor of Virginia, and asking the concurrence of this House.

The said Resolution was read, and, on motion of Mr. Granberry, postponed indefinitely.

A message from the Senate, informing that they had passed the engrossed bill to prevent obstructions to the passage of Fish up Fishing Creek, in the counties of Edgecomb and Halifax, and asking the concurrence of this House.

The said bill was read the first, second, and third times, passed, and ordered to be enrolled.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 20, 1837.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Caldwell Institute, in the Town of Greensborough, and asking the concurrence of this House.

The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill, authorizing the Courts of Pleas and Quarter Sessions of Cumberland county to lay off the Public Roads in said county into Districts, and for other purposes, and asking the concurrence of this House.

The said bill was read the first time, and, on motion of Mr. Sloan, rejected.

A message from the Senate, informing that they had passed the engrossed bill to increase the Capital Stock of the Halifax and Weldon Rail Road Company, and asking the concurrence of this House.

The said bill was read the first, second and third times, passed, and ordered to be enrolled.

Mr. Graham, from the select Committee heretofore raised on the subject, reported a bill to aid the Internal Improvements of this State, which was read the first time and passed. On motion, the said bill was read the second time.

Mr. Byrd moved that the whole of said bill, after the enacting clause, be stricken out, and the provision of the bill be inserted, heretofore introduced by him, entitled a bill for the distribution of the Surplus Revenue and the Literary Fund amongst the several counties of the State, and for other purposes.

The question thereon was decided in the negative, Yeas 30, Nays 68.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Chambers, Coor, Cotten, Daniel, Faison, Guthrie, Hartley, Hooker, Howerton, Hutchison, Irion, Judkins, Kenan, I. W. Lane, J. F. Lee, Moye, A. Perkins, Pritchard, Roebuck, Smallwood, Smith, Spiers, Stallings, Stockard, Tomlinson, Watson, R. Whitley, K. Whitley—30.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Farrow, Gales, Gary, Gee, George, Gillespie, Gilliam, Grady, Graham, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClellan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rand, Rayner, Roberts, Simpson, Sloan, Swift, Thomas, Ward, Williamson—68.

Mr. Guthrie moved to amend said bill, by striking out in the sixth section, the provision for a subscription on the part of the State, to the Stock of the North Carolina Central Rail Road Company.

The question thereon was decided in the negative—Yeas 19, Nays 74.

The Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were :

MESSRS. Chambers, Cotten, Eaton, Gilliam, Guthrie, W. S. Harris, Irion, Judkins, N. J. King, I. Matthews, Moye, A. Perkins, Rand, Smallwood, Spiers, Stockard, Tomlinson, R. Whitley, K. Whitley—19.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Clayton, Clement, Coor, Cox, Crawford, Critz, Daniel, Davenport, Erwin, Faison, Farrow, Gales, Gary, Gee, George, Gillespie, Grady, Graham, Granberry, J. W. Guinn, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hoskins, Howard, Howerton, Hutchison, Jefferson, E. Jordan, Kenan, J. A. King, W. B. Lane, I. W. Lane, J. F. Lee,

Lindsay, Loudermilk, Maclin, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Roebuck, Roberts, Simpson, Sloan, Smith, Stallings, Swift, Thomas, Ward, Williamson—74. 73

The question, shall the said bill pass the second reading, was decided in the affirmative.

On motion, the said bill was read the third time.

Mr. Rand moved to amend said bill, by authorizing a subscription to be made of \$200,000 to the Stock of the Raleigh and Gaston Rail Road Company.

The question thereon was decided in the negative—Yeas 23, Nays 71.

The Ayes and Noes demanded by Mr. Chambers.

Those who voted in the affirmative, were :

MESSRS. Bedford, Clayton, Clement, Eaton, Gales, Gee, Gilliam, Graham, Guthrie, Howard, Howerton, Jefferson, Judkins, J. A. King, N. J. King, Maclin, Moore, McClennahan, McRae, Patton, Rand, Stallings, Stockard—23.

Those who voted in the negative, were:

MESSRS. Adams, Averitt, Brummell, Byrd, Campbell, Calloway, Chambers, Coor, Cotten, Cox, Crawford, Critz, Daniel, Davenport, Erwin, Faison, Farrow, Gary, George, Gillespie, Grady, Granberry, J. W. Guinn, W. Harris, W. S. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Hooker, Horton, Hoskins, Hutchison, Irion, E. Jordan, Kenan, W. B. Lane, I. W. Lane, J. F. Lee, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moye, McAllister, McNeill, Nye, J. H. Perkins, A. Perkins, Pinkston, Pritchard, Roebuck, Roberts, Simpson, Sloan, Smallwood, Smith, Spiers, Swift, Thomas, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—71

On motion of Mr. Hoke, the bill was amended by adding the eleventh as an additional section.

Mr. Irion moved that said bill be postponed indefinitely.

The question thereon was decided in the negative—Yeas 31, Nays 65.

Those who voted in the affirmative, were :

MESSRS. Chambers, Coor, Cotten, Daniel, Eaton, Faison, Gee, George, Gilliam, Guthrie, Hooker, Howerton, Hutchison, Irion, Judkins, I. W. Lane, J. F. Lee, Maclin, I. Matthews, Moye, A. Perkins, Pritchard, Rand, Roebuck, Smallwood, Spiers, Stallings, Stockard, Tomlinson, R. Whitley, K. Whitley—31.

Those who voted in the negative, were :

MESSRS. Adams, Averitt, Bedford, Brummell, Byrd, Campbell, Calloway, Cansler, Clayton, Clement, Covington, Cox, Crawford, Critz, Davenport, Erwin, Far-

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row, Gales, Gary, Gillespie, Grady, Graham, Granberry, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Howard, Jefferson, E. Jordan, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Simpson, Sloan, Smith, Swift, Thomas, Ward, Watson, Williamson—65.

Mr. Byrd moved to amend said bill, by adding the following as an additional section, viz :

“Be it further enacted, That as soon as the citizens of Yancy county shall subscribe and expend in labor or money, the sum of twelve hundred dollars on opening a public Road from the Burke line through the county of Yancy to the Tennessee line, then said county shall by their agent, be entitled to draw from the Public Treasury of this State, the sum of eight hundred dollars, to aid in opening said communication between this State and Tennessee.”

The question on this motion was decided in the negative.

The question shall the said bill pass the third reading, was decided in the affirmative—Yeas 61, Nays 32.

Those who voted in the affirmative, were:

Messrs. Adams, Averitt, Bedford, Brummell, Calloway, Cansler, Clayton, Clement Covington, Cox, Crawford, Critz, Davenport, Erwin, Farrow, Gary, Gillespie, Grady, Graham, J. W. Guinn, W. S. Harris, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Howard, Jefferson, E. Jordan, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Rayner, Roberts, Simpson, Sloan, Smith, Thomas, Ward, Watson, Williamson, Campbell—61.

Those who voted in the negative, were:

Messrs. Byrd, Chambers, Coor, Cotten, Daniel, Eaton, Faison, Gee, George, Gilliam, Guthrie, Hooker, Hoskins, Howerton, Hutchison, Irion, Judkins, I. W. Lane, J. F. Lee, L. Matthews, Moye, A. Perkins, Pritchard, Rand, Roebuck, Smallwood, Spiers, Stallings, Stockard, Tomlinson, K. Whitley, R. Whitley—32.

Ordered, That said bill be engrossed.

Mr. Williamson, from the Select Committee yesterday appointed, reported a bill to drain the Swamp Lands of this State, and to create a fund for Common Schools.

The said bill was read the first, second and third times, passed, and ordered to be engrossed.

On the second reading of the bill, Mr. Chambers demanded the Yeas and Nays on its passage, and the vote was—Yeas 68, Nays 22.

Those who voted in the affirmative, were:

Messrs. Adams, Averitt, Brummell, Byrd, Campbell, Clayton, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. Harris, Hartley, Henry, Hill, Hoke, Holland, Hollingsworth, Horton, Hoskins, Howard, Jefferson, E. Jordan, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Maclin, C. H. Matthews, Maultsby, E. P. Miller, Moore, McAllister, McClennahan, McNeill, MeRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Roberts, Simpson, Sloan, Smallwood, Smith, Stallings, Swift, Ward, Watson, Williamson—68.

Those who voted in the negative, were:

Messrs. Bedford, Chambers, Coor, Daniel, George, W. S. Harris, Hooker, Howerton, Iron, Judkins, I. W. Lane, J. F. Lee, I. Matthews, W. J. T. Miller, Moye, Roebuck, Spiers, Stockard, Thomas, Tomlinson, R. Whitley, K. Whitley—22.

Mr. Moore, from the Select Committee appointed on the subject, reported a bill to provide for the redemption of the Scrip issued by the State, under the Act of Assembly, passed in the year 1835, and entitled an Act to provide for the payment of the instalments on the Shares reserved to the State, in the Capital Stock of the Bank of the State.

The said bill was read the first, second and third times, passed, and ordered to be engrossed.

The bill concerning the Bank of Cape Fear was read the third time, and amended, and passed, and ordered to be engrossed.

A message from the Senate, informing that they do not concur in the amendment of the Commons to the Resolution relative to the Governor's House. Whereupon, on motion of Mr. J. W. Guinn, the House receded from their said amendment.

On motion of Mr. Gilliam,

Resolved, That the President and Directors of the Literary Fund be instructed to digest a plan for Common Schools, suited to the condition of this State, and report the same to the next General Assembly.

Ordered, That said Resolution be engrossed, and sent to the Senate for concurrence.

On motion, leave of absence from the service of this House, from and after Saturday next, was granted to Messrs. Coor, A. Perkins, Kenyan, Clayton, and Davenport.

The resignation of John Spell, as Major of 32d Regiment of Militia, was presented, read, and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE o'clock, P. M.

Mr. Erwin moved that the Resolutions relating to the Public Lands, heretofore offered by Mr. Rayner, together with the substitute proposed by Mr. Hutchison, be now taken up and considered.

The question thereon was decided in the negative, by the Speaker's vote—Yeas 41, Nays 40. The Speaker voting in the negative, made it a tie, and so the motion was lost.

Those who voted in the affirmative were :

MESSRS. Adams, Campbell, Clement, Cotten, Covington, Cox, Davenport, Eaton, Erwin, Faison, Farrow, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. Harris, Hill, Horton, Hoskins, E. Jordan, J. A. King, N. J. King, W. B. Lane, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, McAllister, McClellan, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—41.

Those who voted in the negative, were :

MESSRS. Averitt, Bedford, Byrd, Cansler, Coor, Critz, Daniel, J. W. Guinn, W. S. Harris, Hartley, Henry, Holland, Hooker, Howard, Howerton, Hutchison, Irion, Jefferson, Kenan, I. W. Lane, J. F. Lee, W. J. T. Miller, Moore, Moye, McRae, Nye, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—40.

Mr. Rayner renewed the motion of Mr. Erwin, that said Resolutions be now taken up for consideration.

The question thereon was decided in the affirmative—Yeas 46, Nays 42.

The Ayes and Noes demanded by Mr. Rayner.

Those who voted in the affirmative, were :

MESSRS. Adams, Brummell, Calloway, Clement, Cotten, Covington, Cox, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Mat-

thews, C. H. Matthews, Maultsby, E. P. Miller, McAllister, McClennahan, McNeill, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—46.

Those who voted in the negative, were :

MESSRS. Averitt, Bedford, Byrd, Cansler, Coor, Critz, Daniel, J. W. Guinn, Hartley, Henry, Hoke, Holland, Hooker, Howard, Howerton, Hutchison, Irion, Jefferson, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, W. J. T. Miller, Moore, Moye, McRae, Nye, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—42.

Mr. Watson moved that the House adjourn until to-morrow morning, 10 o'clock.

The question thereon was decided in the negative—Yeas 26, Nays 62.

The Yeas and Nays demanded by Mr. Watson.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Cansler, Chambers, Coor, Daniel, Hartley, Henry, Hooker, Judkins, Kenan, I. W. Lane, J. F. Lee, Moye, McNeill, McRae, Roebuck, Sloan, Smith, Spiers, Stallings, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—26.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Calloway, Clement, Cotten, Covington, Cox, Critz, Davenport, Eaton, Erwin, Faison, Gales, Gary, Gee, Gillespie, Gilliam, Graham, Grady, Granberry, J. W. Guinn, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Hoskins, Howard, Howerton, Hutchison, Irion, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, Maclin, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McClennahan, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Roberts, Simpson, Smallwood, Stockard, Swift, Thomas—62.

Mr. Hutchison moved that said Resolutions be laid on the table. The question thereon was decided in the negative—Yeas 43, Nays 48.

The Yeas and Nays demanded by Mr. Hutchison.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Calloway, Cansler, Chambers, Coor, Critz, Daniel, George, J. W. Guinn, Hartley, Henry, Hoke, Holland, Hooker, Howard, Howerton, Hutchison, Irion, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, W. J. T. Miller, Moore, Moye, McRae, Nye, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—43.

Those who voted in the negative, were:

MESSRS. Adams, Bedford, Brummell, Clement, Cotten, Covington, Cox, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gil-

liam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, McAllister, McClennahan, McNeill, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—48.

Mr. Thomas moved that the House adjourn till tomorrow morning, 10 o'clock. The question thereon was decided in the negative—Yeas 30, Nays 62.

The Ayes and Noes demanded by Mr. Tomlinson.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Chambers, Daniel, George, J. W. Guinn, Hartley, Henry, Hooker, Hutchison, Irion, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, McNeill, McRae, Roebuck, Roberts, Sloan, Smith, Spiers, Stallings, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—30:

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Calloway, Cansler, Clement, Coor, Cotten, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Hoke, Holland, Horton, Hoskins, Howard, Howerton, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rand, Rayner, Simpson, Smallwood, Stockard, Swift, Thomas—62.

Mr. Chambers renewed the motion to adjourn. The question thereon was decided in the negative—Yeas 30, Nays 58.

The Ayes and Noes demanded by Mr. Chambers.

Those who voted in the affirmative, were :

MESSRS. Averitt, Cansler, Chambers, Daniel, George, J. W. Guinn, Hartley, Holland, Hooker, Howerton, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, McNeill, McRae, Roebuck, Roberts, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley—30.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Calloway, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Irion, E. Jordan, Jefferson, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, E. P. Miller, W. J. T. Miller, Moore, McAllister, McClennahan, Nye, J. H. Perkins, Patton, Pinkston, Pritchard, Rand, Rayner, Simpson, Smallwood, Swift, Thomas—58.

Mr. Stallings moved that the House adjourn until 7

o'clock. The question thereon was decided in the negative—Yeas 26, Nays 60.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Averitt, Daniel, George, J. W. Guinn, Hartley, Hooker, Hutchison, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, McNeill, McRae, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Tomlinson, Watson, R. Whitley, K. Whitley—26.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Byrd, Calloway, Cansler, Chambers, Clement, Cotten, Covington, Cox, Crawford, Critz, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Holland, Horton, Hoskins, Howard, Howerton, Irion, E. Jordan, Judkins, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McClehnahan, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Stockard, Swift, Thomas—60.

Mr. Hartley moved that said Resolutions be postponed indefinitely. The question thereon was decided in the negative—Yeas 40, Nays 53.

The Yeas and Nays demanded by Mr. Hartley.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Calloway, Cansler, Chambers, Coor, Critz, Daniel, George, J. W. Guinn, Hartley, Henry, Hoke, Holland, Hooker, Howerton, Hutchison, Irion, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, Nye, Rand, Roebuck, Roberts, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—40.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Calloway, Clement, Cotten, Covington, Cox, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McClennahan, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—53.

Mr. Watson moved that said Resolutions be postponed till Wednesday next. The question thereon was decided in the negative—Yeas 39, Nays 53.

The Ayes and Noes demanded by Mr. Watson.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Calloway, Cansler, Chambers, Coor, Crawford, Critz, Daniel, George, J. W. Guinn, Hartley, Henry, Hoke, Holland, Hooker, Howerton, Hutchison, Irion, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, Rand, Roebuck, Simpson, Sloan, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—39.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Clement, Cotten, Covington, Cox, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, Jefferson, E. Jordan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, Moore, McAlister, McClennahan, McNeill, McRae, Nye, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—53.

Mr. Guinn moved that said Resolutions be postponed till Monday next. The question thereon was decided in the negative—Yeas 39, Nays 50.

The Ayes and Noes demanded by Mr. Stallings.

Those who voted in the affirmative, were :

MESSRS. Averitt, Byrd, Calloway, Cansler, Chambers, Critz, Daniel, George, J. W. Guinn, Hartley, Henry, Hoke, Holland, Hooker, Howerton, Hutchison, Irion, Jefferson, Judkins, Kenan, I. W. Lane, J. F. Lee, Maclin, Moye, Nye, Rand, Roebuck, Simpson, Smallwood, Smith, Spiers, Stallings, Stockard, Tomlinson, Ward, Watson, R. Whitley, K. Whitley, Williamson—39.

Those who voted in the negative, were :

MESSRS. Adams, Bedford, Brummell, Campbell, Clement, Cotten, Covington, Cox, Crawford, Davenport, Eaton, Erwin, Faison, Farrow, Gales, Gary, Gee, Gillespie, Gilliam, Grady, Graham, Granberry, Guthrie, W. S. Harris, W. Harris, Hill, Horton, Hoskins, Howard, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maulsby, E. P. Miller, W. J. T. Miller, McAllister, McClennahan, McNeill, Patton, J. H. Perkins, Pinkston, Pritchard, Rayner, Smallwood, Swift, Thomas—50.

On motion, the House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 21, 1837.

On motion of Mr. Hill, leave was granted him, before proceeding to the unfinished business on which the House was last engaged, to call up a message from the Senate, informing that they had passed the engrossed

bill concerning the Bank of Cape Fear, with certain amendments. The amendments were read, and the first named concurred in ; and the last, proposing to strike out the last Section of the bill, prohibiting the issuing or re-issuing of Notes under five dollars, was disagreed to.

Upon like leave granted, on motion of Mr. Adams, the bill from the Senate, to alter the time of holding the Superior Courts of Law and Equity, for the counties of Stokes and Guilford ; and the bill to alter the time of holding the Court of Pleas and Quarter Sessions, for the county of Caswell, were taken up.

Said bills were read the first, second, and third times. The last named, amended, on Mr. Graham's motion, and passed, and ordered to be enrolled.

The engrossed bill prescribing the manner in which contested Elections of Governor shall be determined in this State, was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they insist upon their amendment to the engrossed bill concerning the Bank of Cape Fear, viz : To strike out the last section of the bill.

On motion of Mr. Hill, the House agreed to recede from their disagreement to said amendment—Yeas 40, Nays 36.

The Ayes and Noes demanded by Mr. Hutchison.

Those who voted in the affirmative were :

MESSRS. Adams, Averitt, Bedford, Calloway, Cansler, Cox, Erwin, Faison, Gales, Gary, Gillespie, Gilliam, Grady, W. Harris, Hill, Holland, Horton, Hoskins, Kenan, J. A. King, N. J. King, W. B. Lane, Lindsay, Loudermilk, I. Matthews, C. H. Matthews, Maultsby, Moore, McAllister, McClennahan, McNeill, McRae, Nye, J. H. Perkins, Pinkston, Pritchard, Roberts, Smallwood, Smith, Thomas—40.

Those who voted in the negative, were :

MESSRS. Byrd, Cotten, Critz, Daniel, Gee, George, Graham, Guthrie, W. S. Harris, Hartley, Henry, Hooker, Howard, Howerton, Hutchison, Irion, Judkins, I. W. Lane, J. F. Lee, Maclin, W. J. T. Miller, Moye, Rand, Rayner, Roebuck, Simpson, Sloan, Spiers, Stallings, Stockard, Swift, Tomlinson, Ward, R. Whitley, K. Whitley, Williamson—36.

On motion of Mr. Averitt,

Resolved, That the Board of Internal Improvement be directed to ascertain the practicability of removing the Shoal at the mouth of New River, in the county of Onslow, and make report thereon to the next General Assembly.

Ordered, That said Resolution be engrossed.

The engrossed bill to authorize William L. Blount and his associates to erect a Bridge across Great Contentnea Creek, near Washington's Ferry on said Creek, was read three times, amended, on Mr. Graham's motion, and passed.

Ordered, That the concurrence of the Senate be asked in the amendment.

On motion, leave of absence from the service of the House, from and after this day, was granted to Messrs. Hoke, Cansler, Daniel, Grady, Bedford, Sloan, W. J. T. Miller, Granberry, and Rayner.

The bill concerning the Revised Statutes, was read the second and third times, and passed, and ordered to be engrossed.

A message from the Senate, concurring in the amendments of this House, to the bill to authorize William L. Blount and his associates to erect a Bridge across Great Contentnea Creek, near Washington's Ferry.

Ordered, That said bill be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, entitled an act to aid Internal Improvements in this State, passed at the present session, and asking the concurrence of this House.

The said bill was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Raleigh and Columbia Rail Road Company, with an amendment, and asking the concurrence of this House.

The amendment was read and concurred in.

The bill to make compensation to the Secretary of State, for additional services required of him, was read the second and third times, passed, and ordered to be engrossed.

The bill to repeal in part an Act, entitled an Act for

the better regulation of the Town of Edenton, passed in the year 1831, was read the second and third times, passed, and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed Resolution relative to the Journals of the Convention.

The said Resolution was read and ordered to be enrolled.

A message from the Senate, informing that they had passed the following Resolution, viz :

“Resolved, That the thanks of the General Assembly be tendered to the Elders and Members of the Presbyterian Church, in the City of Raleigh, for the use of their Bell during the present session of the Legislature.”

The said Resolution was read and adopted.

The bill concerning the trial of State Prosecutions by Justices of the Peace out of Court, was read, and, on motion of Mr. Gilliam, postponed indefinitely.

The bill authorizing and empowering the Court of Pleas and Quarter Sessions to appoint Special Magistrates in counties where there are now, or may hereafter be, Incorporated Cities or Towns, within the State, was read the second and third times, passed, and ordered to be engrossed.

The bill concerning the Wilmington and Raleigh Rail Road Company, was read, and, on motion of Mr. Henry, laid on the table.

The bill to provide for draining the Waccamaw Lake, in Columbus county, was read, and, on motion of Mr. Maulsby, laid on the table.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation in favor of the Fayetteville and Western Rail Road Company, and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Stallings, rejected—Yeas 37, Nays 28.

The Yeas and Nays demanded by Mr. Hutchison.

Those who voted in the affirmative, were :

MESSERS. Adams, Byrd, Cotten, Eaton, Farrow, Gary, Gee, George, Gilles-

pie, Gilliam, Granberry, Henry, Hoskins, Howerton, Hutchison, Irion, Judkins, N. J. King, J. F. Lee, Lindsay, Maclin, I. Matthews, Moore, Pritchard, Rand, Rayner, Roebuck, Simpson, Sloan, Smallwood, Stallings, Stockard, Swift, Tomlinson, R. Whitley, K. Whitley, Williamson—37.

Those who voted in the negative, were :

MESSRS. Averitt, Calloway, Cansler, Covington, Cox, Critz, Erwin, Graham, W. Harris, Hartley, Holland, Horton, Howard, E. Jordan, Kenan, W. B. Lane, Loudermilk, C. H. Matthews, Maulsby, McAllister, McClennahan, McRae, Nye, Patton, J. H. Perkins, Roberts, Smith, Watson—28.

A message from the Senate, informing that they had passed the engrossed bill making an appropriation in favor of the North Carolina Central Rail Road Company, and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Swift, rejected.

Mr. Cotten introduced the following Resolutions, which were read and adopted, and ordered to be engrossed, viz :

Resolved, That the Board of Internal Improvement be directed to enquire into the proceedings and operations of the Cape Fear Navigation Company generally, and particularly if the said Company have used proper efforts and honestly applied their Funds to the improvement of the Navigation of said Cape Fear River, and whether they exact any tolls not authorized by their Charter.

Resolved, That the said Board enquire, if it would be more advantageous to the State to buy out the said Charter, and to ascertain on what terms it can be done, and that they enquire if the said Company will not voluntarily surrender so much of their privilege as extends above Fayetteville, and if the State ought to accept it, and on what terms.

Resolved, That the said Board further enquire if it is not the duty of said Company to expend the tolls collected by them, in the improvement of the Navigation of said River, instead of dividing them as profits amongst the Stockholders.

Resolved, That the said Board report on the foregoing matters to the next General Assembly, during the first week of their session.

A message from the Senate, informing that they had passed the engrossed bill for the better regulation of the Town of Fayetteville, and asking the concurrence of this House.

The said bill was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed a bill to cure certain errors in Judicial Proceedings in the Supreme Court, and asking the concurrence of this House.

The said bill was read, and, on motion of Mr. Graham, postponed indefinitely.

A message from the Senate, informing that they had passed the engrossed bill to authorize and empower the Commissioners of the Town of Fayetteville, to raise by way of loan, the sum of \$200,000, and asking the concurrence of this House.

On motion of Mr. N. J. King, said bill was laid on the table.

Mr. McRae, from the Committee on Internal Improvement, to whom was referred on the 16th inst. a Resolution concerning the Cape Fear Navigation Company, made a report, and thereupon, the House adopted the following Resolution, which was read and ordered to be engrossed, viz:

Resolved, That the Governor be instructed to submit to the Attorney General, the question at issue between the Board of Internal Improvement and the Cape Fear Navigation Company, to enquire whether the Company have rightfully retained the sum of \$1375 53 on dividends due to the State, and, if deemed advisable, to institute a suit or suits for the recovery of the same, either in a Court of Law or Equity.

Mr. McRae, from the same Committee, to whom was referred the engrossed Resolution in favor of the Roanoke Navigation Company, reported unfavorably thereon; when, on motion of Mr. Moore, the said Resolution was laid on the table.

A message from the Senate, informing that they had passed the following engrossed bills, viz :

A bill concerning the Bank of the State; a bill to provide for the investment and safe-keeping of the monies which shall be deposited with this State, under the act of Congress, "to regulate the Deposites of the Public Mo-

ney ;" a bill to authorize the Commissioners of Salisbury to borrow money, and for other purposes ; and a bill concerning the Bank of Cape Fear ; and asking the concurrence of this House.

The said bills were read, and, on motion, rejected.

The engrossed bill concerning special Magistrates in this State, was read, and, on motion of Mr. Granberry, indefinitely postponed.

The following bills, heretofore referred to a Committee of the whole, viz : A bill concerning the Fayetteville and Western Rail Road ; a bill to appropriate the public monies, which shall be received by this State, under the act of Congress to regulate the Deposites ; a bill to amend the Charter of the Bank of the State of North Carolina ; and the Report of the Joint select Committee of twenty-six, on the Surplus Revenue, were, on motion of Mr. Graham, laid on the table.

The House then adjourned until Monday morning, 7 o'clock.

MONDAY, JANUARY 23, 1837.

Mr. Gales introduced a bill concerning Advertisements in the State Gazette, which was read three times, passed, and ordered to be engrossed.

Mr. Howetron, on behalf of the Committee of Propositions and Grievances, asked to be discharged from the further consideration of all subjects referred to them, and not yet reported on, and the Committee was discharged accordingly.

Mr. Hill introduced the following Resolution, which was read three times and passed, viz :

Whereas, the duties of the Clerk and Clerk Assistant of this House have been extremely laborious during the present session,

Resolved, That they are entitled to have, and they shall receive fifty dollars each, in addition to the ordinary pay, and said

sum shall be allowed to them and included in the Certificates for their compensation.

A message from the Senate, informing that they had passed the engrossed Resolution concerning the Public Library, and asking the concurrence of this House. The said Resolution was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed Resolution concerning the Treasury, and asking the concurrence of this House.

The said Resolution was read three times, passed, and ordered to be enrolled.

A message from the Senate, informing that they had postponed indefinitely, the engrossed bill authorizing and empowering the Courts of Pleas and Quarter Sessions, to appoint special Magistrates in counties where there are now, or hereafter may be, Incorporated Cities or Towns.

On motion, leave of absence from the service of the House, from and after 9 o'clock this day, was granted to Mr. Hartley.

A message from the Senate, informing that they had passed the engrossed bill concerning Internal Improvements, and asking the concurrence of this House.

The bill was read three times, amended and passed, and ordered to be sent to the Senate for concurrence.

A message from the Senate, concurring in the amendments to the bill last named.

Ordered, That said bill be enrolled.

A message from the Senate, concurring in the amendments of this House, to the engrossed bill concerning the Bank of Cape Fear.

Ordered, That said bill be enrolled.

On motion of Mr. Gilliam.

Ordered, That a message be sent to the Senate, informing that this House having acted on all the Public business before them, are now ready to adjourn without day.

Received a message from the Senate, informing that that body is also ready to adjourn without day.

Mr. Gilliam presented the following Resolution, which was read and unanimously adopted :

Resolved, That the thanks of the House are due and are hereby respectfully tendered to William H. Haywood Jun. Esq. Speaker thereof, for the ability, dignity and impartiality, with which he has discharged the duties of his station.

Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same without day.

WILLIAM H. HAYWOOD, JR. S. H. C,

By Order,

CHARLES MANLY, C. H. C.



